BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

SIMI VALLEY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026010936

ORDER RESCHEDULING LAST DAY OF EXPEDITED HEARING, AMENDED ORDER ON BRIEFING AND ORAL ARGUMENT REGARDING DISMISSAL OF NON-EXPEDITED ISSUE, AND ORDER CONTINUING NON-EXPEDITED PREHEARING CONFERENCE AND NON-EXPEDITED HEARING

FEBRUARY 26, 2026

On January 27, 2026, Parent on behalf of Student filed a due process hearing request with the Office of Administrative Hearings, called OAH, naming Simi Valley Unified School District. OAH designated this matter as a dual case with both expedited and non-expedited issues.

The hearing on the expedited claims was scheduled to begin on February 24, 2026. The prehearing conference on the non-expedited claims was scheduled for March 6, 2026, and the hearing on the non-expedited claims was set for March 17 through 19, 2026.

THE EXPEDITED PREHEARING CONFERENCE

On February 13, 2026, Administrative Law Judge Cynthia Fritz held an expedited prehearing conference, and determined which issues were expedited claims and orally indicated that the first issue listed in Student's complaint regarding Student's change of placement was a non-expedited claim. An Administrative Law Judge is called an ALJ. OAH issued an Order Following Expedited Prehearing Conference dated February 13, 2026, setting forth the issues to be determined during the expedited hearing. The Order specifically stated that the ALJ conducting the hearing had discretion to reconsider any part of the February 13, 2026 Order.

THE EXPEDITED HEARING

On February 24 through 26, 2026, the expedited hearing began but was not concluded, ALJ Laurie Gorsline, presiding. During the discussion of the pending issues, ALJ Gorsline stated that it did not appear OAH had jurisdiction of the first issue listed in Student's complaint regarding Student's change of placement because it was based on a violation of Education Code section 48903. District's attorney indicated that the issue was discussed during the expedited prehearing conference. ALJ Gorsline stated that she would review the recording of the prehearing conference to understand the discussion that was had about that issue during the prehearing conference and revisit the issue of dismissing that claim based on OAH's lack of jurisdiction.

On February 26, 2026, after reviewing the recording of the prehearing conference and further consideration of the matter, ALJ Gorsline reiterated that it did not appear OAH had jurisdiction to adjudicate Student's first claim regarding a change in placement because it was based on a violation of Education Code section 48903 and OAH did not have jurisdiction to determine violations of Education Code section 48903. However, ALJ Gorsline stated she wanted to give the parties the opportunity to file written argument and orally argue the issue before making a final determination as to whether the first issue in Student's complaint would be dismissed for lack of jurisdiction. The ALJ ordered the parties to file any written argument by March 3, 2026, at 10:00 AM, and that oral argument on the issue would take place on March 4, 2026, when the parties returned for the last day of expedited hearing.

RESCHEDULING THE LAST DAY OF THE EXPEDITED HEARING

Due to OAH operational needs, including the unavailability of OAH personnel due to mandatory statewide training, the ALJ finds good cause for rescheduling the last day of the expedited hearing. The last day of the expedited hearing will not take place on March 4, 2026, but will instead take place on March 17, 2026, at 9:30 AM. At that time, the parties should also be prepared to further discuss how many pages they believe they need for their written closing argument regarding the four remaining expedited claims which were litigated during the expedited hearing which began on February 24, 2026. The ALJ will also set a briefing schedule for the parties' filing of their written closing argument regarding the expedited hearing and go over all the hearing exhibits before closing the evidentiary record for the expedited hearing.

EXTENSION OF DEADLINE TO FILE WRITTEN ARGUMENT AND ORALLY ARGUE WHETHER OAH HAS JURISDICTION TO DECIDE STUDENT'S NON-EXPEDITED FIRST ISSUE LISTED IN THE COMPLAINT REGARDING A CHANGE IN PLACEMENT

Accordingly, the deadline for filing any written argument regarding whether the OAH has jurisdiction to adjudicate Student's first issue listed in the complaint is extended from March 3, 2026, at 10:00 AM, to March 10, 2026, by 5:00PM. The parties shall file any written argument with OAH and serve a copy on the opposing party by March 10, 2026, regarding OAH's jurisdiction to hear the first issue listed in Student's complaint. Any oral argument on this issue will take place on March 17, 2026, when the parties return for the last day of expedited hearing.

CONTINUANCE OF THE NON-EXPEDITED PREHEARING CONFERENCE AND NON-EXPEDITED DUE PROCESS HEARING

OAH must conduct a non-expedited due process hearing and issue a decision within 45 days of receiving the due process complaint, unless an extension is granted. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Resolving the due process hearing quickly is legally required. Hearings may only be continued if "good cause" is established. (Ed. Code, § 56505, subd. (f)(3).) OAH is guided by the Administrative Procedure Act and the California Rules of Court when ruling on continuance motions. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332.)

At the hearing, the ALJ determined there was good cause to continue the March 6, 2026 non-expedited prehearing conference and the March 17 through 19, 2026 non-expedited due process hearing, so that a decision on the expedited claims

could be issued before the non-expedited hearing begins. The parties did not oppose continuance of the non-expedited proceedings and agreed upon new dates, including holding the prehearing conference on April 6, 2026, at 3:00PM, and the due process hearing on April 14 through 16, 2026. Continuance of the non-expedited hearing is further warranted because the expedited hearing will not be completed until March 17, 2026, and a decision will likely not issue for another ten school days. Moreover, the parties' oral argument regarding OAH's jurisdiction over the non-expedited claim reflected in the first issue of Student's complaint will not occur until March 17, 2026.

Accordingly, all previously scheduled dates regarding the non-expedited hearing are vacated and continued to the dates agreed upon by the parties during the PHC as set forth below.

ORDER

1. The last day of the expedited hearing, scheduled for March 4, 2026, at 1:30PM is vacated, and rescheduled for March 17, 2026, at 9:30 AM.
2. The deadline for filing any written argument regarding whether the OAH has jurisdiction to adjudicate Student's first issue listed in the complaint is extended from March 3, 2026, to March 10, 2026, by 5:00PM. The parties shall file any written argument with OAH and serve a copy on the opposing party by March 10, 2026, regarding OAH's jurisdiction to hear the first issue listed in Student's complaint. Any oral argument on this issue will take place on March 17, 2026, when the parties return for the last day of expedited hearing.
3. The non-expedited prehearing conference currently scheduled for March 6, 2026 is vacated and rescheduled for April 6, 2026, at 3:00 PM.
4. The non-expedited due process hearing is continued to April 14 through 16, 2026.

5. The March 17, 2026 expedited due process hearing, the April 6, 2026 non-expedited prehearing conference, and April 14 through 16, 2026 non-expedited due process hearing will be held by videoconference or telephone, unless otherwise ordered. The March 17, 2026 expedited due process hearing and the April 14 through 16, 2026 non-expedited due process hearing will begin at 9:30 AM on all days, and generally end at 3:30 PM, unless otherwise ordered. The hearings will continue day to day, as needed, Mondays and Fridays included, at the discretion of the Administrative Law Judge.
6. Regarding the non-expedited claims, prehearing conference statements and motions are due to OAH no later than three business days before the April 6, 2026 non-expedited prehearing conference. Late motions will only be considered if good cause is established for the late filing. The parties must immediately give potential witnesses the hearing dates, and must subpoena witnesses, if necessary, so they are available to testify. Failing to properly notify or subpoena a witness is not good cause to delay the hearing.

IT IS SO ORDERED.

Laurie Gorsline

Laurie Gorsline
Administrative Law Judge
Office of Administrative Hearings