BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

FREMONT UNION HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2026060323

ORDER DENYING FREMONT'S REQUEST FOR FURTHER CONTINUANCE OF DUE PROCESS

JULY 16, 2026

On July 7, 2026, Fremont Union High School District filed a second request to continue the due process hearing with the Office of Administrative Hearings, OAH. On July 10, 2026, Student opposed the request.

Fremont contends the hearing should be continued because Fremont's planned representative at hearing, Nancy Sullivan, the Director of Educational and Special Services for Fremont, is unavailable for the currently scheduled hearing dates of July 21, 2026 and July 22, 2026 due to a preplanned and prepaid vacation. Student contends the hearing should not be continued because other Fremont personnel can represent the district at hearing and that further delay will prejudice Student.

OAH must conduct a 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.)

Good cause to continue a hearing may include:

- An essential lay or expert witness is unavailable because of death, illness, or other excusable circumstances;
- A party is unavailable because of death, illness, or other excusable circumstances;
- A party's attorney is unavailable because of death, illness, or other excusable circumstances;
- A new attorney substitutes in, but only if the party establishes that the substitution is required in the interests of justice;
- A party is unable to obtain essential testimony, documents, or other material evidence despite diligent efforts; or
- The case has a significant and unexpected change which makes the case not ready for trial.

Generally, continuances are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

Here, Fremont has not established good cause to continue the due process hearing. Although Fremont may prefer to have Director Sullivan represent the district at hearing, there is no showing that Sullivan is an indispensable representative and cannot

be replaced by other administrative personnel as Fremont's hearing representative. Additionally, although a decision in the instant case is unlikely to be issued before July 31, 2026, that fact alone does not support a further month-long continuance that further delays resolution of this matter.

The request is denied. All due process hearing dates are confirmed and will proceed as calendared.

IT IS SO ORDERED.

Ted Mann

Ted Mann
Administrative Law Judge
Office of Administrative Hearings