

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

FREMONT UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026050504

ORDER GRANTING REQUEST FOR CONTINUANCE AND
SECOND MEDIATION, SETTING MEDIATION, PREHEARING
CONFERENCE, AND HEARING DATES

AUGUST 21, 2026

On August 19, 2026, Fremont Unified School District filed a request to continue the due process hearing with the Office of Administrative Hearings, OAH. On August 21, 2026, Student filed a non-opposition. On August 21, 2026, the parties filed a joint request for mediation and continuance.

Fremont contends the hearing should be continued due to the unavailability of Fremont's attorney on the currently scheduled hearing dates, caused by earlier-filed cases and a pre-planned, pre-paid vacation and conference. Fremont further asserts that the parties have not had the opportunity to participate in mediation since Student

filed the second amended complaint. Fremont seeks a continuance of the hearing dates from September 1, 2026, to September 29, 2026.

In Student's non-opposition, Student joins Fremont's request for continuance and requests a second mediation scheduled for September 10, 2026.

In the parties' joint request for continuance and mediation, the parties jointly request a second mediation for September 10, 2026, and a continuance to September 29, 2026.

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 new party is added, and the new party has not had a reasonable opportunity to prepare for trial, or other parties have not had a reasonable opportunity to prepare for trial regarding the new party's involvement;
- 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).)

The parties established good cause to continue the due process hearing and for a second mediation. Fremont did not establish good cause to continue the due process hearing on its motion alone. Following the filing of Fremont's motion to continue, OAH issued an order vacating dates in OAH Case Number 2026050458, which was the earlier-filed case cited by Fremont also scheduled for hearing on September 1, through 3, 2026. Accordingly, the cited conflict was no longer present, and good cause was not established by Fremont's motion alone.

However, Fremont's motion, considered with the parties' joint request, established good cause for a second mediation and continuance, on the basis that the parties had not participated in mediation following the filing of Student's second amended complaint. The filing of an amended complaint does not automatically justify granting an additional mediation. However, in this case, a second mediation is warranted because the issues were not settled at the time of the first mediation. In this case, there was a series of Notices of Insufficiency, which resulted in the issues being unsettled. In addition, the issues have changed in this case since the filing of the second

amended complaint. The request is granted. All previously scheduled dates are vacated. The new dates are:

MEDIATION will be held on September 10, 2026, at 9:00 AM to 12:30 PM.

PREHEARING CONFERENCE will be held on September 18, 2026, at 1:00 PM.

DUE PROCESS HEARING will be held on September 29, through October 1, 2026.

The mediation, prehearing conference, and due process hearing will be held by videoconference or telephone, unless otherwise ordered. The due process hearing will begin at 9:30 AM on all days, and generally end at 3:30 PM, unless otherwise ordered. The hearing will continue day to day, as needed, Mondays and Fridays included, at the discretion of the Administrative Law Judge. Prehearing conference statements and motions are due to OAH no later than three business days before the 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.

Daniel Senter

Daniel Senter

Administrative Law Judge

Office of Administrative Hearings