

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 FOLLOWING PREHEARING CONFERENCE FOR

HEARING BY VIDEOCONFERENCE

SEPTEMBER 21, 2026

On September 18, 2026, Administrative Law Judge Claire Yazigi, Office of Administrative Hearings, held a prehearing conference by videoconference. The Administrative Law Judge is called an ALJ. The Office of Administrative Hearings is called OAH. The prehearing conference is called a PHC.

Parent appeared on behalf of Student. Elizabeth Schwartz, Attorney at Law, appeared on behalf of Fremont Unified School District. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

STUDENT'S CONTINUANCE REQUEST

On September 15, 2026, Student filed a request to continue the due process hearing with the Office of Administrative Hearings, OAH, to enable self-represented Parent to seek legal representation. On September 16, 2026, Fremont Unified School District filed a non-opposition.

A due process hearing must be conducted, and a decision rendered, within 45 days of receipt of the due process notice unless an extension is granted. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Speedy resolution of the due process hearing is mandated by law and continuance of the hearing may be granted only upon a showing of good cause. (Ed. Code, § 56505, subd. (f)(3).) In ruling upon a motion for continuance, OAH is guided by the provisions found within the Administrative Procedure Act and the California Rules of Court that concern motions to continue. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332.) Generally, continuances of matters are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

Good cause exists to continue due process hearing to allow Parent an opportunity to retain counsel, and continuance is granted. Parent is advised, however, to notify potential counsel of the continued prehearing conference and due process hearing dates. Any retained counsel must be available on those dates and should not expect a continuance given how long this matter has been pending.

The original complaint was filed on May 12, 2026, and has since been amended twice. At PHC, the parties were advised that due to the age of this case, no further continuances will be granted absent a showing of extraordinary good cause. All previously scheduled dates are vacated. The new dates are:

PREHEARING CONFERENCE: November 6, 2026, at 10:00 AM.

DUE PROCESS HEARING: November 17, 18, and 19, 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.

A handwritten signature in cursive script that reads "Claire Yazigi".

Claire Yazigi

Administrative Law Judge

Office of Administrative Hearings