

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

FREMONT UNION HIGH SCHOOL  
DISTRICT AND CALIFORNIA VIRTUAL  
ACADEMIES AT SAN MATEO  
CHARTER.

OAH Case No. 2015051009

ORDER PARTIALLY GRANTING  
REQUEST FOR CONTINUANCE AND  
SETTING PREHEARING  
CONFERENCE AND HEARING  
DATES

On June 26, 2015, the parties jointly filed a request to continue the prehearing conference and hearing dates in this matter. This is a first request for continuance and the parties are requesting a three-week continuance. The parties have requested that the hearing be set for July 27-30, 2015.

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 for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) The Office of Administrative Hearings considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

Partially Granted. All dates are vacated and the prehearing conference and hearing are scheduled as listed below. The dates requested by the parties are not available for hearing, therefore, the hearing is continued for one additional week. Further, the Monday of that week is the first Monday of the month and no hearings are held on those days. The hearing has been scheduled for three days and the parties may request additional hearing dates at the prehearing conference, which will be calendared at the discretion of the ALJ.

Prehearing Conference: July 27, 2015 at 10:00 a.m.

Due Process Hearing: August 4, 2015, at 9:30 a.m., August 5 and 6, 2015 at 9:00 a.m., and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: June 29, 2015

/s/

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MARGARET BROUSSARD  
Presiding Administrative Law Judge  
Office of Administrative Hearings