

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENT ON BEHALF OF STUDENT,

v.

SEQUOIA CAREER ACADEMY.
OAH CASE NUMBER 2026020346

ORDER CONTINUING DUE PROCESS HEARING

JUNE 10, 2026

On June 8, 2026, the undersigned Administrative Law Judge, called ALJ, presided over day seven of the due process hearing this matter. At the conclusion of the hearing on June 8, 2026, Sequoia Career Academy, called Sequoia, was in the process of cross-examining Parent.

After discussion with the parties, the ALJ continued the hearing to June 10, 2026, at 9:30 AM.

On June 9, 2026, Student filed a letter with the Office of Administrative Hearings, called OAH, stating Parent is ill and unable to further participate in the due process hearing. The letter was not served on Sequoia Career Academy.

On June 9, 2026, OAH's staff called Parent and advised her she was required to appear at the due process hearing on June 10, 2026, at 9:30 AM to address the concerns raised in her letter.

On June 9, 2026, the ALJ issued an electronic invitation to the parties to appear at the due process hearing on June 10, 2026, at 9:30 AM.

The ALJ convened the due process hearing at 9:30 AM. Sequoia appeared through its attorneys of record, Debra Ferdman and Ashley DeVance, and its Co-Executive Director. No appearance was made by Student. The ALJ read Parent's letter into the record.

At 9:41 AM, the ALJ called Parent and left voice-messages on two telephone numbers registered with OAH as Parent's. The ALJ requested that Parent appear at the due process hearing. The ALJ waited until approximately 11:00 AM, but Parent did not appear.

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).)

Good cause exists because Sequoia has not had an opportunity to obtain essential testimony, specifically testimony by Parent. The due process hearing is continued until June 11, 2026, at 9:30 AM.

In the event Parent fails to appear, Parent's testimony will be stricken from the record in order to avoid undue prejudice to Sequoia. (*People v. Price* (1991) 1 C.4th 324, 421.) In addition, Sequoia shall be provided an opportunity to offer additional evidence in support of its defense of this matter.

IT IS SO ORDERED.

Jennifer Kelly

Jennifer Kelly

Administrative Law Judge

Office of Administrative Hearings