BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

ASSURANCE LEARNING ACADEMY,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2026070591

ORDER GRANTING CONTINUANCE OF DUE PROCESS HEARING

OCTOBER 27, 2026

On July 10, 2026, the Office of Administrative Hearings, called OAH, received a due process hearing request from Assurance Learning Academy, called Assurance, naming Student. On July 22, 2026, OAH granted parties joint request to continue the due process hearing to October 27, 2026, and schedule a mediation. On October 27, 2026, the hearing convened.

Student represented herself and her mother was present on her behalf. Courtney Brady represented Assurance. Victor Contreras also appeared on behalf of Assurance.

Just prior to the start of the due process hearing, Student filed a motion with OAH asking for the case to be withdrawn or in the alternative continued because Student is no longer enrolled in Assurance. Student disenrolled from Assurance on October 26, 2026, and is now enrolled in Antelope Valley Union high School District. Assurance did not have the necessary information to either support or oppose Student's last-minute motion.

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).)

Student established good cause to continue the matter. There was significant and unexpected change which occurred yesterday regarding Student's enrollment in Assurance that needs to be verified. Assurance indicated on the record that if Student is no longer a Student enrolled in its charter school program, then it would withdraw the complaint. Additionally, a continuance was necessary due to operational needs of OAH.

The request is granted. All previously scheduled dates are vacated.

DUE PROCESS HEARING will be continued on November 17, through November 19, 2026.

The 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. Late motions will only be considered if good cause is established for the late filing.

IT IS SO ORDERED.



Jessica Plitt
Administrative Law Judge
Office of Administrative Hearings