BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024010524

ORDER GRANTING REQUEST FOR CONTINUANCE FOR DECISION ISSUANCE

JANUARY 24, 2025

On January 21, 2025, the Office of Administrative Hearings, known as OAH, issued an Order Setting Telephonic Status Conference before Presiding Administrative Law Judge Peter Paul Castillo, scheduled for January 27, 2025, at 4:00 PM, to discuss the impact of the injury to Administrative Law Judge Laurie Gorsline after the conclusion of the hearing on the completion of the decision. On January 24, 2025, both Student and Los Angeles Unified School District submitted statements as to their preference that the matter be continued three weeks to permit ALJ Gorsline complete the decision in this matter.

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).) OAH 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).)

Student and Los Angeles participated in hearing before ALJ Gorsline for 19 days in September, November and December. The parties were granted a continuance of the hearing, for the submission of closing briefs to January 27, 2027, which the parties have not yet submitted. The decision due date in this matter is February 18, 2025. After the completion of the hearing, ALJ Gorsline suffered a significant injury.

In Student's response to the Order Setting Status Conference, Student expressed a desire that the matter be decided as quickly as possible as their case has been delayed for too long. Los Angeles stated that it was not opposed to a three week continuance,

and that Student would not suffer any prejudice as Student graduated and is attending college. As reassigning the case to other ALJ would delay the decision beyond March 11, 2021, it is in the interest of justice for the case to remain with ALJ Gorsline with a continuance so ALJ Gorsline may complete the decision.

Therefore, this matter is continued until March 11, 2025, for issuance of the decision in this matter, and the parties' closing briefs are due at noon on February 14, 2025. The Status Conference at 4:00 PM on January 27, 2025, is vacated.

IT IS SO ORDERED.

Peter Paul Castillo

Peter Paul Castillo
Division Chief Administrative Law Judge
Office of Administrative Hearings