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 DENYING STUDENT'S REQUEST FOR AN EXTENSION TO FILE CLOSING BRIEF

FEBRUARY 26, 2025

On January 16, 2024, the Office of Administrative Hearings, called OAH, received a due process hearing request from Parent, naming Los Angeles Unified School District, called Los Angeles Unified.

Administrative Law Judge Laurie Gorsline heard this matter by videoconference on September 17, 18, 20, 24, 25, November 5, 6, 7, 12, 13, 14, 19, 20, 21, and December 17, 18, 19, 20, and 23, 2024. Parent represented Student. Student did not attend the hearing. Attorney Brian Davenport represented Los Angeles Unified.

On the last day of hearing at the parties' request, the matter was continued to January 27, 2025, for written closing briefs. For good cause, on January 24, 2025, OAH

Division Chief Administrative Law Judge Castillo, granted a continuance to noon on February 14, 2025, for the parties to file their written closing briefs.

On February 14, 2025, at 10:00 AM, Student filed a document entitled, "Due Process Revised Issues Challenges." In that document, Student complains about the way the ALJs framed Student's Issues, claiming it made it difficult for Parent to write the closing brief. Student asks that the ALJ use the original issues from the complaint and that an issue revised by the ALJ be condensed. Buried in the document, Student asks for additional time to file his closing argument.

Los Angeles Unified timely filed its written closing brief on February 14, 2025, at 11:59 AM. OAH did not receive any written response to Student's "Due Process Revised Issues Challenges."

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).)

As reflected in the record, Student's Issues were discussed at the Prehearing Conference held on August 19, 2024, and a written order was issued. The phrasing of Student's Issues was also extensively discussed during the hearing on several occasions, resulting in the ALJ changing some of the wording of Student's Issues listed in the Order Following Prehearing Conference. These changes were documented in subsequent Orders issued by OAH, dated September 19, November 12, and December 24, 2024. After the hearing concluded, Student had seven weeks to file his written closing argument. Instead of timely filing his closing brief, Student waited until the day the briefs were due to file further objections to the phrasing of Student's Issues.

Student's challenges to the phrasing of Student's Issues were already addressed and adjudicated at the prehearing conference and then later, at the hearing. Although not identically worded, Student's Issues as framed by the ALJ at hearing reflect the claims made in Student's complaint and as clarified by Parent. Thus, Student's so-called objections have no merit. Student's belated request to relitigate what was already decided at hearing or to raise new objections is untimely. This case has been pending since January 2024, and the hearing ended on December 23, 2024. Student has failed to demonstrate good cause for failing to file his closing brief by the February 14, 2025 deadline, or for waiting until February 14, 2025 to seek an extension. Parent's claimed difficulty with writing the brief based on Student's meritless objections is not good cause for Student's failure to timely file his closing argument. Similarly, Student's eleventh-hour request for a further extension to file his closing brief based on his objections to the phrasing of Student's Issues is not good cause for another extension.

Student's request for an extension of time to file his closing brief is denied. Any closing brief filed by Student will not be considered.

IT IS SO ORDERED.

Laurie Gorsline

Laurie Gorsline

Administrative Law Judge

Office of Administrative Hearings