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 2025041059

ORDER DENYING REQUEST FOR CONTINUANCE TO FILE AMENDED COMPLAINT FOLLOWING DETERMINATION OF PARTIAL INSUFFICIENCY OF COMPLAINT, AND DENYING REQUEST FOR CONTINUANCE OF PREHEARING CONFERENCE AND HEARING

MAY 28, 2025

On April 22, 2025, Student filed a request for due process hearing, also called a complaint, with the Office of Administrative Hearings, called OAH, naming Los Angeles Unified School District as respondent. Documents filed after 5 PM are deemed filed the following business day, therefore, although Student filed his complaint at 8:26 PM on April 21, 2205, it is deemed filed April 22, 2025. Student's complaint was determined to

be partially insufficient on May 9, 2025, and Student was given 14 days to amend the complaint. Student was informed in the Order Determining Due Process Complaint Partially Sufficient, dated May 9, 2025, that, if the complaint was not amended by May 23, 2025, the case would proceed on claims alleged to have occurred from April 22, 2023, forward only.

On May 23, 2025, the parties filed a "Stipulation of the Parties to Continue Filing for Amended Complaint, Prehearing Conference and Due Process Hearing," requesting that the deadline for filing the amended complaint be changed to July 11, 2025. The parties also requested that the Prehearing Conference and Hearing dates be continued to August 2025. The parties assert that the continuances will allow them continue settlement discussions.

CONTINUANCE TO FILE AMENDED COMPLAINT FOLLOWING DETERMINATION OF PARTIAL INSUFFICIENCY DENIED

The parties' stipulation includes a request that Student's deadline for filing the amended complaint that was due on May 23, 2025, pursuant to the Order Determining Complaint Partially Sufficient, be continued. The parties ask that the deadline be continued to July 11, 2025. OAH requires that motions be filed separately for a number of reasons, including ensuring that each motion is addressed in the proper time frame, and that multiple motions do not result in one being overlooked. The parties are on notice that, in the future, OAH may not rule on multiple motions filed together. An exception will be made in this case.

On May 9, 2025, Administrative Law Judge Cruz determined Student's complaint was partially insufficient and ordered Student to file an amended complaint to cure the deficiencies no later than May 23, 2025. An Administrative Law Judge is also referred to

as an ALJ. ALJ Cruz stated that, absent a timely amendment, the case would proceed only on claims ranging from April 22, 2023, through April 22, 2025.

Student failed to file a timely amended complaint. An order determining a complaint partially insufficient is usually issued with a deadline for filing an amended complaint as to the insufficient claims. A timely filed amended complaint is allowed to be filed without a motion, eliminating the opportunity to object to the filing of the amended complaint. When a party fails to file an amended complaint by the ordered deadline, the party loses the unfettered right to file an amended complaint without having to file a motion for independent ruling.

Here, Student offers no legal authority allowing him to stipulate to extend an ordered deadline to amend a complaint due to lack of sufficiency. Nor does the parties' participation in mediation on May 20, 2025, excuse the failure to file a timely amended complaint on May 23, 2025. Student has missed the deadline to file an amended complaint without a motion. The request for a continuance of that deadline is denied. Pursuant to ALJ Cruz' May 9, 2025 Order, the case shall proceed on claims alleged to have occurred from April 22, 2023, through April 22, 2025. Nothing in this order prevents Student from filing a motion to amend Student's complaint accompanied by a proposed amended complaint for OAH consideration in the future.

THE PARTIES HAVE FAILED TO STATE GOOD CAUSE FOR A CONTINUANCE

OAH must conduct a due process hearing and render a decision within 45 days of receipt of the due process notice unless an extension is granted. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Speedy resolution of the due process hearing is mandated by law and continuance of the hearing may be granted only upon a showing of good cause. (Ed. Code, § 56505, subd. (f)(3).) In ruling upon a motion for

continuance, OAH is guided by the provisions found within the Administrative Procedure Act and the California Rules of Court that concern motions to continue. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332.) Generally, continuances of matters are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

Every request for continuance requires a statement of good cause. (Ed. Code, § 56505, subd. (f)(3).) OAH applies California Rule of Court, rule 3.1332 when determining whether good cause has been stated for a continuance. The desire to continue settlement negotiations does not constitute good cause for a continuance. (Cal. Rules of Court, rule 3.1332 (c).)

The parties' stipulation also states, "Additionally, a continuance is necessary to ensure District staff availability for witness preparation and testimony if necessary." While witness unavailability could be good cause for continuance, a party must identify a particular witness or witnesses who are unavailable for the dates scheduled for hearing. Los Angeles offered no supporting declaration of specific witness unavailability. (Cal Rules of Court, rule 3.1332(b).)

The request for continuance of the prehearing conference and hearing is denied. All prehearing conference and due process hearing dates are confirmed and will proceed as calendared

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl
Administrative Law Judge, Office of Administrative Hearings