

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

IN THE MATTER OF:  
PARENT ON BEHALF OF STUDENT,

v.

MANHATTAN BEACH UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2019100781

ORDER DENYING REQUEST FOR CONTINUANCE

MARCH 10, 2020

On March 9, 2020, Manhattan Beach Unified School District filed with the Office of Administrative Hearings a request to continue this matter, based upon a desire to have additional time to conduct new assessments. Parent on behalf of Student did not oppose the request.

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. (Ed. Code, § 56505, subd. (f)(3); 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 or imposing conditions on the continuance; and any other relevant fact or circumstance. (Cal. Rules of Court, rule 3.1332(d).)

Student filed the present complaint on October 21, 2019. OAH granted the parties' joint request to continue the matter on December 3, 2019, and set the hearing on dates jointly selected by Student and Manhattan Beach. The issues alleged for this hearing cover the 2018-2019 and 2019-2020 school years, including whether individualized education programs of February 27, 2019, March 14, 2019, May 16, 2019, May 30, 2019, September 11, 2019, and October 2, 2019, offered Student placement in the least restrictive environment. Manhattan Beach now requests additional time, 60 days, to conduct new triennial assessments and to meet with Parents to discuss the new assessments.

OAH is obligated to provide a speedy resolution of due process complaints. While OAH promotes continued cooperation between parties during the pendency of a due process hearing, Manhattan Beach failed to show that new assessments will directly impact the issues plead for this matter, and why the assessments were not offered

earlier. Based upon the foregoing, Manhattan Beach failed to establish good cause to continue this matter.

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

Denied. All hearing dates are confirmed and shall proceed as calendared.

IT IS SO ORDERED.

Paul H Kamoroff

Administrative Law Judge

Office of Administrative Hearings