BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

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| In the Consolidated Matters of:<br><br>MAHATTAN BEACH UNIFIED SCHOOL DISTRICT,<br><br>v.<br><br>PARENT ON BEHALF OF STUDENT, | OAH CASE NO. 2011020441 |
| PARENT ON BEHALF OF STUDENT,<br><br>v.<br><br>MANHATTANT UNIFEID SCHOOL DISTRICT. | OAH CASE NO. 2011031408 (Primary)<br><br><br><br>ORDER DENYING DISTRICT'S REQUEST FOR CONTINUANCE |

On May 3, 2011, District filed a request to continue the due process hearing dates from May 19-10, 23-25, 31, and June 1-2, 2011 to June 13-22, 2011 in this matter. District contends a continuance would promote judicial economy, as it would allow time for the parties to meet for a May 17, 2011 triennial IEP team meeting, which will either result in a dismissal or an amendment in this consolidated matter. District explained that Student's parents (Parents) delayed District from assessing him until April 25, 2011, nearly two months after its March 1, 2011 assessment plan, and also would not make themselves available to meet for Student's triennial IEP until May 17, 2011, despite District's offers to meet earlier. District argues that had Parents not delayed the process, they could have assessed Student and held his triennial IEP meeting earlier, resulting in a determination of whether to dismiss or amend its complaint sooner, certainly more than two days before the currently scheduled hearing.

On May 6, 2011, Student filed an opposition claiming that a continuance could result in financial ruin to Student's family. In addition, Student contends that speculative future events, such as the parties either resolving or amending this matter after the May 17, 2011 IEP meeting, does not constitute good cause.

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. (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).)

OAH has reviewed the request for good cause and the request is denied. The potential resolution, withdrawal, or amendment of this matter does not constitute good cause to continue the present hearing dates. All prehearing conference and hearing dates are confirmed and shall proceed as calendared.

IT IS SO ORDERED.

Dated: May 09, 2011

/s/

CARLA L GARRETT
Administrative Law Judge
Office of Administrative Hearings