BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS OF:

BAKERSFIELD CITY SCHOOL DISTRICT,

V.

PARENT ON BEHALF OF STUDENT,

OAH CASE NUMBER 2020020042

AND

PARENT ON BEHALF OF STUDENT,

V.

BAKERSFIELD CITY SCHOOL DISTRICT.

OAH CASE NUMBER 2019120777

ORDER DENYING REQUEST FOR CONTINUANCE

APRIL 20, 2020

On April 9, 2020, Bakersfield City School District filed with the Office of Administrative Hearings, referred to as OAH, a request to continue this matter, based upon physical unavailability of school district and witnesses due to the coronavirus

pandemic. On April 13, 2020, Student opposed the request based upon undue delay and availability of video conferencing for hearing.

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).)

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

Denied. All prehearing conference and hearing dates are confirmed and shall proceed as calendared. The continuance request is denied. Prehearing conferences and due process hearings will be held via video conferencing pursuant to the General Order

for Due Process Hearings and Mediations and Closure of Public Counters issued on April 15, 2020, which is attached along with the Order Setting Video Prehearing Conference Procedures and Participant Information for Prehearing Conferences.

IT IS SO ORDERED.

DocuSigned by:
Judith Pasewark
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Judith Pasewark

Administrative Law Judge

Office of Administrative Hearings