BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
UPLAND UNIFIED SCHOOL DISTRICT,	OAH Case No. 2018120181
v.	ORDER FOLLOWING PREHEARING CONFERENCE AND CONTINUING PREHEARING CONFERENCE AND HEARING
PARENT ON BEHALF OF STUDENT.	

On December 21, 2018, a telephonic prehearing conference was held before Administrative Law Judge Alexa J. Hohensee, Office of Administrative Hearings. Sarah Orloff, Attorney at Law, appeared on behalf of Upland Unified School District. Parent appeared on behalf of Student. Earl Briones, a certified Spanish language interpreter, interpreted the PHC into Spanish for Parent. The PHC was recorded.

Based upon discussion with the parties, the ALJ issues the following order:

1. Continued Hearing Dates, Times, and Location. The hearing is continued on motion of Upland, for good cause shown, to dates mutually agreed upon by the parties. The hearing shall take place on February 20 and 21, 2019, and continuing day to day, at the discretion of the ALJ. The hearing shall take place at Upland's offices located at 390 North Euclid Avenue, Upland, California 91786. The hearing shall begin at 9:30 a.m. the first day of the hearing and at 9:00 a.m. all other days, and shall end at 5:00 p.m. each day, unless otherwise ordered.

The parties shall immediately notify all potential witnesses of the hearing dates, and shall subpoena witnesses if necessary, to ensure that the witnesses will be available to testify. A witness will not be regarded as unavailable for purposes of showing "good cause" to continue the hearing if the witness is not properly notified of the hearing date or properly subpoenaed, as applicable.

If any party wishes to mediate this matter, they may contact the other party, mutually agree on a mediation date, and file a joint request for mediation with OAH. The parties are encouraged to mediate their dispute prior to the due process hearing. The scheduling order previously served on the parties may be referenced for more information on how to request mediation.

2. Continued Prehearing Conference. The telephonic prehearing conference is continued to 1:00 p.m. on February 4, 2018. OAH will initiate the conference call. Each party shall file a new PHC statement.

Any prehearing motion is due to OAH no later than three business days before the PHC, or a showing of good cause is required as to why it was not possible to file the motion by that date.

3. Settlement. The parties are encouraged to continue working together to reach an agreement before the due process hearing. Each of the parties shall inform OAH in writing immediately should they reach a settlement or otherwise resolve the dispute before the scheduled hearing, or if the petitioning party withdraws the request for due process. In addition, if a settlement is reached within five days of the scheduled start of the due process hearing, the parties shall also inform OAH of the settlement by telephone at (916) 263-0880.

IF A FULL AND FINAL WRITTEN SETTLEMENT AGREEMENT IS REACHED, OR THE PETITIONING PARTY WITHDRAWS THE DUE PROCESS HEARING REQUEST, AFTER 3:00 P.M. THE DAY PRIOR TO HEARING, EACH OF THE PARTIES SHALL LEAVE A VOICEMAIL MESSAGE FOR OAH REGARDING THE SETTLEMENT OR WITHDRAWAL AT (916) 274-6035. THE PARTIES SHOULD ALSO LEAVE CONTACT INFORMATION SUCH AS CELLULAR PHONE NUMBERS OF EACH PARTY OR COUNSEL FOR EACH PARTY. IN THE CASE OF SETTLEMENT, THE PARTIES SHOULD SIMULTANEOUSLY **EMAIL THE SIGNATURE PAGE OF THE SIGNED AGREEMENT OR A LETTER WITHDRAWING THE CASE TO THE OAH AT** https://www.applications.dgs.ca.gov/oah/oahsftweb.

Dates for hearing will not be cancelled until the letter of withdrawal or signature page of the signed agreement has been received by OAH. If an agreement in principle is reached, the parties should plan to attend the scheduled hearing unless different arrangements have been agreed upon by the assigned ALJ. The assigned ALJ will check for messages the evening prior to the hearing or the morning of the hearing.

If the matter settles subject to board approval, in addition to a signed copy of the signature page of the settlement agreement as noted above, the parties shall submit a

request for a status conference and provide the date of the next board meeting. The hearing dates will not be cancelled without this information.

4. Failure to comply with this order may result in the exclusion of evidence or other sanctions.

IT IS SO ORDERED.

DATE: December 21, 2018

DocuSigned by:
Alexa Hohensee
A7D463FF094544B...
ALEXA J. HOHENSEE
Administrative Law Judge
Office of Administrative Hearings