BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: STUDENT, v. FRESNO UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2012100242
FRESNO UNIFIED SCHOOL DISTRICT, v. STUDENT.	OAH CASE NO. 2012100291 ORDER SETTING CONTINUED DUE PROCESS HEARING AND PREHEARING CONFERENCE

Based upon discussions with the parties, this matter is set as follows:

1. **DUE PROCESS HEARING:** The Due Process Hearing in this matter shall occur on the date(s) and at the location noted below before an Administrative Law Judge (ALJ) of the OAH. **Unless the ALJ approves a different schedule, the hearing shall commence at 1:30 p.m. on the first day and 9:00 a.m. on all subsequent days.**

DATE: 10/28/2013;10/29/2013;10/30/2013;10/31/2013;11/01/2013

LOCATION: Fresno USD Professional Development Center
1833 E Street
Fresno, CA 93706

The parties shall immediately notify all potential witnesses of the hearing dates to ensure their availability to testify on the scheduled hearing dates. A witness is not "unavailable" for purposes of a continuance if not properly notified of the hearing dates.

2. **PREHEARING CONFERENCE:** A **mandatory** telephonic Prehearing Conference (PHC) shall take place on:

DATE: 10/25/2013
TIME: 10:00AM

An ALJ will conduct the PHC and OAH will initiate the call. The use of landline telephones is preferred. Due to reception and privacy concerns, appearance by cell phone requires the party appearing by cell phone to be in a private, stationary location.

3. **PREHEARING CONFERENCE STATEMENT:** Each party is required to submit a Prehearing Conference Statement which shall be filed at least three business days prior to the Prehearing Conference with the Office of Administrative Hearings, Special Education Division, 2349 Gateway Oaks Drive, Suite 200, Sacramento, CA 95833. The Prehearing Conference Statement may be filed and served by facsimile transmission at (916) 376-6319. The parties need not mail a hard copy of any document sent by facsimile transmission. Unless otherwise directed by the ALJ, the parties shall not send by mail or facsimile transmission copies of documentary evidence intended for the due process hearing to OAH. The Prehearing Conference Statement shall include the following:

a. Each party's estimate of the time necessary to complete the Due Process Hearing;

b. A concise statement of the issues that remain to be decided at the Due Process Hearing and the proposed resolution of such issues, based upon those issues raised in the due process hearing request;

c. The name of each witness or expert the party may call at the Due Process Hearing, a brief summary of the subject of the expected testimony of the witness or expert, and a description of the issue to which the testimony of the witness relates;

d. The name and address of each expert witness the party intends to call at the Due Process Hearing, a brief summary of the opinion that the expert is expected to give, and a description of the issue to which the testimony of the expert relates;

e. A list of documentary evidence that the party intends to present, and a description of any physical or demonstrative evidence; and

f. The need for an interpreter or special accommodation at the due process hearing.

4. **PREHEARING MOTIONS:** All prehearing motions shall be served upon the opposing party and filed with the Office of Administrative Hearings, Special Education Division, **at least three business days before the Prehearing Conference**. Prehearing motions may be filed and served by facsimile transmission unless they exceed 35 pages in length in which case other means of delivery shall be used.

5. **CONTINUING COOPERATION:** The parties shall continue to confer and cooperate with each other to (1) facilitate the exchange of evidence, (2) reach stipulations of

fact, law and the admissibility of evidence in order to promote the efficient conduct of the hearing, and (3) promote productive settlement discussions.

Dated: October 08, 2013

/s/

JUDITH A. KOPEC
Division Presiding Administrative Law Judge
Office of Administrative Hearings