BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

SAN BRUNO PARK SCHOOL DISTRICT.

OAH CASE NUMBER 2019070384

ORDER AMENDING PREHEARING CONFERENCE ORDERS

On August 26, 2019, Administrative Law Judge Cynthia Fritz held a telephonic prehearing conference. The Administrative Law Judge will be referred to as an ALJ. The Office of Administrative Hearings will be referred to as OAH.

Joshua Cruz, Attorney at Law, appeared on behalf of Student. Elmore Sterling and Shawn Olson Brown, Attorneys at Law, appeared on behalf of San Bruno.

This order supersedes the ALJ's oral rulings regarding two issues at the prehearing conference as follows:

SAN BRUNO'S RESPONSE TO COMPLAINT

At the outset of the hearing, Student requested sanctions arguing that San Bruno failed to file a response in this matter. San Bruno represented that it served Student with a prior written notice and Student's counsel acknowledged receipt of it.

Based upon the information stated at the prehearing conference, San Bruno is ordered to file with OAH its response to Student's complaint by 5:00 PM on August 27, 2019. Should Student wish to file a motion regarding the response, it must be done in writing. Any motion is due no later than 12:00 PM on Wednesday, August 28, 2019. San Bruno's response, if any, is due no later than 12:00 PM on Thursday, August 29, 2019. Student's oral motion for sanctions will not be considered.

SAN BRUNO'S MOTION TO DISMISS

San Bruno requested Student's issue number one, including all subsections, be dismissed because it is outside of OAH's jurisdiction and based upon prior settlements between the parties.

The briefing schedule is revised as follows: San Bruno is ordered to file its written motion to dismiss by August 28, 2019, at 12:00 PM. San Bruno is ordered to include the settlement agreements at issue in this matter. Student can file a response no later than August 29, 2019, at 12:00 PM.

The parties are on notice that the Order Following PCH will not be issued prior to Friday, August 30, 2019. The undersigned intends to address the forgoing issues in that order.

IT IS SO ORDERED.

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Cynthia Fritz
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DATED: August 27, 2019

Cynthia Fritz
Administrative Law Judge
Office of Administrative Hearings