BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. BERKELEY UNIFIED SCHOOL DISTRICT.	OAH Case No. 2017060459 ORDER SETTING MEDIATION, DUE PROCESS HEARING AND PREHEARING CONFERENCE

Based upon discussions with the parties, the following Order is issued.

1. **MEDIATION:** Mediation is set for the following date and at the following location:

DATE: **08/03/2017**
TIME: **9:30AM to 4:30PM**
LOCATION: **BERKELEY USD**
2020 BONAR STREET
BERKELEY, CA 94702

If the parties reach settlement in the matter, OAH shall be notified as soon as possible. Notification shall be in writing, but need not include the entire contents of the settlement agreement. It shall be sufficient to provide a page that identifies the nature of the document and participants and the signature page with each participant's signature. A request for dismissal based on settlement of all issues that is submitted by the petitioner shall also suffice. The matter shall remain on calendar and shall not be dismissed until OAH receives the proper notification.

2. **DUE PROCESS HEARING:** The Due Process Hearing is set on the dates and at the location listed below before an Administrative Law Judge (ALJ) of the Office of Administrative Hearings (OAH). The Due Process Hearing shall begin at 9:30 a.m. on the first day and commence thereafter at 9:00 a.m. unless the ALJ approves a different schedule.

DUE PROCESS HEARING DATE(S) AND LOCATION:

DATE: **09/19-21/2017**
LOCATION: **BERKELEY USD**
2020 BONAR STREET
BERKELEY, CA 94702

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 will not be regarded as unavailable for purposes of showing "good cause" to continue the hearing if not promptly notified of the hearing dates.

3. **PREHEARING CONFERENCE:** A telephonic Prehearing Conference, initiated by OAH and conducted by an ALJ shall occur on:

DATE: 09/08/2017
TIME: 10:00AM

4. **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.

5. **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 days before the Prehearing Conference**. The prehearing motions shall be sent through facsimile transmission.

6. **CONTINUING COOPERATION:** The parties must continue to confer and cooperate with each other (1) to facilitate the exchange of evidence, (2) to reach stipulations of fact, law and the admissibility of evidence in order to promote the efficient conduct of the hearing, and (3) to promote productive settlement discussions.

IT IS SO ORDERED.

Dated: July 17, 2017

BOB N. VARMA

Division Presiding Administrative Law Judge
Office of Administrative Hearings