BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2017040003
v.	ORDER FOLLOWING TRIAL SETTING CONFERENCE AND SETTING PREHEARING CONFERENCE AND DUE PROCESS HEARING DATES
ESCONDIDO UNION SCHOOL DISTRICT.	

On February 11, 2019, a telephonic status conference after remand was held before Administrative Law Judge Kara Hatfield, Office of Administrative Hearings. Paul Hefley, Attorney at Law, appeared on behalf of Student. Deborah Cesario, Attorney at Law, appeared on behalf of Escondido Union School District. The TSC was recorded.

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

1. Hearing Dates, Times, and Location. The hearing after remand shall take place on April 9, 2019, and continuing day to day at the discretion of the ALJ. The hearing after remand shall take place at Escondido's offices located at 2310 Aldergrove Avenue, Escondido, CA 92029. The hearing shall begin at 9:30 a.m. the first day of the hearing and at 9:00 a.m. all other days, unless otherwise ordered. A telephonic prehearing conference will be held on March 29, 2019, at 1:00 p.m. Parties shall file and serve prehearing conference statements and any pre-hearing motions no later than three business days before the PHC.

2. Issues and Proposed Resolutions. The issue at the due process hearing after remand, and the proposed resolutions, are listed below.

> What is an appropriate remedy for the denial of a free appropriate public education the District Court found as a result of Escondido's four-month delay in offering Student an autism assessment?

Student's original proposed remedies included independent educational evaluations in all areas of suspected disability, and in his closing brief he requested a psychoeducational independent educational evaluation, and training of Escondido staff regarding the procedural requirements of Education Code section 56043, subdivisions (c) and (f)(1). On remand, Student again requests a psychoeducational independent educational evaluation, and training of Escondido staff regarding reassessments of a student in all areas of need when warranted.

Student does not intend to present additional evidence during the hearing after remand. The hearing is to afford Escondido the opportunity to present additional evidence Escondido contends was developed after the close of the 2017 due process hearing but is relevant to Student's proposed resolutions, and to afford Student an opportunity to rebut that evidence, if he so desires.

3. Settlement. The parties are encouraged to continue working together to reach an agreement before the due process hearing. The parties shall inform OAH in writing immediately should they reach a settlement or otherwise resolve the dispute before the scheduled hearing. 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 AFTER 5:00 P.M. THE DAY PRIOR TO HEARING, THE PARTIES SHALL LEAVE A VOICEMAIL MESSAGE REGARDING THE SETTLEMENT AT (916) 274-6035. THE PARTIES SHOULD ALSO LEAVE CONTACT INFORMATION SUCH AS CELLULAR PHONE NUMBERS OF EACH PARTY OR COUNSEL FOR EACH PARTY. THE PARTIES SHOULD SIMULTANEOUSLY EMAIL THE SIGNATURE PAGE OF THE SIGNED AGREEMENT OR A LETTER WITHDRAWING THE CASE TO OAH AT https://www.applications.dgsapps.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: February 11, 2019

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Kara Hatfield
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KARA HATFIELD
Administrative Law Judge
Office of Administrative Hearings