BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

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| In the Matter of: | |
| PARENT ON BEHALF OF STUDENT, | OAH Case No. 2015080076 |
| v. | ORDER FOLLOWING PREHEARING CONFERENCE AND GRANTING CONTINUANCE |
| TUSTIN UNIFIED SCHOOL DISTRICT. | |

On September 14, 2015, a telephonic pre-hearing conference was held before Administrative Law Judge Judith L. Pasewark, Office of Administrative Hearings. Timothy Adams, Attorney at Law, appeared on behalf of Student. S. Daniel Harbottle, Attorney at Law, appeared on behalf of Tustin Unified School District. The PHC was recorded.

Based on discussion of the parties, the ALJ issues the following order:

1. Hearing Dates, Times, and Location. The hearing is continued on motion of Student. District did not oppose the motion. A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted. (34 C.F.R. § 300.515(a) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Speedy resolution of the due process hearing is mandated by law and continuance of the hearing may be granted only upon a showing of good cause. (Ed. Code, § 56505, subd. (f)(3).)

The hearing shall take place on December 15 and 16, 2015, and continuing day to day thereafter, Monday through Thursday as needed, at the discretion of the ALJ. The hearing shall begin each day at 9:00 a.m., unless otherwise ordered. The hearing shall take place at the District's offices located at 15400 Lansdowne Road, Room 604, Tustin, California 92782.

A telephonic prehearing conference shall take place on December 4, 2015 at 1:00 p.m. The parties are not required to submit new Prehearing Conference Statements unless they desire to amend the Witness and/or Exhibit Lists already on file with OAH. , by 5:00 p.m. on December 1, 2015

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.

2. 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 FAX THE SIGNATURE PAGE OF THE SIGNED AGREEMENT OR A LETTER WITHDRAWING THE CASE TO THE OAH AT THE FAXINATION LINE at 916-376-6319.

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.

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

IT IS SO ORDERED.

DATE: September 15, 2015

**/s/**

JUDITH PASEWARK
Administrative Law Judge
Office of Administrative Hearings