BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

PALOS VERDES PENINSULA UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2020010514

ORDER CONTINUING DUE PROCESS HEARING AND SETTING BRIEFING SCHEDULE FOR STUDENT'S MOTION TO RECUSE ADMINISTRATIVE LAW JUDGE

JUNE 23, 2020

On January 16, 2020, Student filed his due process request, referred to as the complaint, naming Palos Verdes Peninsula Unified School District, referred to as Palos Verdes. The hearing by videoconference of Student's complaint commenced on June 23, 2020. Before the start of testimony, and prior to any recess of the hearing, the Administrative Law Judge, referred to as an ALJ, heard oral argument on the issue of whether a tolling agreement between the parties could extend the two-year statute of limitations generally applicable to special education matters pursuant to Title 20, United States Code section 1415(f)(3)(C), and Education Code section 56505, subd. (l). For

reasons stated on the record, the ALJ ruled that the parties' tolling agreement could not extend the statute of limitations, which barred those of Student's claims that arose from alleged acts or omissions of Palos Verdes occurring before January 16, 2018.

After a short recess following the ALJ's ruling, Student requested the ALJ recuse himself from the hearing on grounds the ALJ had mediated on March 19, 2019, a prior case involving the same parties and some of the claims at issue in this proceeding, OAH Case Number 2018110392. Student's counsel, Palos Verdes' counsel, and the ALJ stated on the record they had not recalled the prior mediation, and had no recollection of any of the conversations that took place during the mediation. Student's counsel explained Parents had recalled the mediation and brought it to the attention of Student's counsel during the hearing recess.

On the record, the ALJ vacated the existing hearing dates and continued the hearing, and scheduled briefing of Student's motion to recuse the ALJ, as follows:

DUE PROCESS HEARING

The existing June 24 and 25, 2020 hearing dates are vacated, and the hearing is continued to July 7 through 9, 2020, from 9:30 AM to 3:30 PM, unless otherwise ordered. Additional hearing dates will be discussed with the ALJ during the hearing.

STUDENT'S MOTION TO RECUSE

Student's brief on his motion to recuse must be filed no later than 5:00 PM on June 30, 2020. Palos Verdes' response to Student's motion must be filed no later than

5:00 PM on July 3, 2020. Student's motion will be addressed at the hearing on July 7, 2020, unless otherwise ordered.

IT IS SO ORDERED.

DocuSigned by:

Robert G. Martin

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Administrative Law Judge

Office of Administrative Hearings