BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

PLEASANT VALLEY SCHOOL DISTRICT.

OAH CASE NUMBER 2021040386

SUPPLEMENTAL ORDER ISSUED AT HEARING AND CONTINUING DUE PROCESS HEARING

JUNE 15, 2021

On June 15, 2021, Administrative Law Judge Ted Mann, Office of Administrative Hearings, called the due process hearing in this matter to order. Attorney Coleman Alguire represented Student. Student's Father attended on Student's behalf. Student's Mother did not attend. Attorney Melissa Hatch represented Pleasant Valley School District. Erin Smith attended on behalf of the respondent school district.

EXHIBITS

First, numerous duplicate exhibits have been uploaded. To ensure minimal confusion, parties shall meet and confer on Wednesday, June 16, 2021, at 4:00 PM, by

telephone, with a call initiated by attorney Alguire to attorney Hatch. The parties shall eliminate duplicate exhibits from Student's exhibit section where feasible, and they shall provide the ALJ with a list of exhibits that are withdrawn when hearing resumes. During the call, the parties shall also discuss a revised witness schedule due to the delay in beginning the evidentiary portion of the hearing. The parties may schedule witnesses for Thursday, June 17, 2021, and June 22 – 25, 2021. The need for any additional days of hearing will be discussed at hearing, as appropriate. The parties shall also discuss any issue affecting the orderly, efficient handling of the hearing, and reach agreement where possible, and be prepared to discuss any unresolved issue(s) prior to witness testimony on Thursday, June 17, 2021.

Second, Student's uploaded exhibits do not comply with the PHC order. The exhibits are disorganized, with place holders, missing exhibits with title sheets, reserved exhibits, etc. In some instances, the exhibit labels include commentary that is noncompliant with the PHC Order. For example, Student identified one exhibit as Student's "Entire Educational File" which does not comply with the "single document/single exhibit" order in the PHC Order.

Student shall therefore comply with the directives in the PHC Order and the relevant portions of the General Order regarding Caselines and exhibits as follows. Student shall reorganize and relabel Student's table of contents and exhibit titles consistent with the PHC Order and General Order. Student shall separately upload, in chronological order, into a new section in Caselines identified as "Student's Corrected Exhibits", one document per exhibit, labeled only with the respective exhibit number, date, and title of document. Emails may include the name of recipient and sender, and a generic description of the subject. Student shall leave no blanks for "reserved" exhibits.

Student may upload only those documents that were previously uploaded and disclosed to the respondent districts by the initial exchange date of June 8, 2021 by 5:00 PM. Student shall not upload any exact duplicates of District's exhibits. Student shall not upload Student's "Entire Ed File," identified in S39, or "Student's Ed Records", identified in S40, but may upload specifically identified portions of the educational files as separate exhibits, if needed. Student shall also upload an updated and accurate Table of Contents, labeled "Student's Corrected Table of Contents."

Student shall upload documents no later than 9:00 AM on June 16, 2021. The respondent district shall have until 3:00 p.m. on June 16, 2021, to review Student's newly uploaded exhibits and shall note any documents that were not included in Student's original upload. Those will be discussed with the ALJ when hearing resumes.

Student shall not upload any document that Student did not upload during the initial exchange of documents whether such document was identified in Student's original table of contents, unless the responding district stipulates that they have received such documents, or had those documents in their possession at least five business days before June 15, 2021. Student may introduce at hearing any documents not previously uploaded, or stipulated to by the respondent district, if needed, and the respondent district will have the opportunity to object as to timeliness and or relevance.

If Student fails to comply with this Order, OAH will issue an order to show cause re: sanctions or shifting of costs based on failure to comply with OAH orders and the resulting delay of the hearing caused by such noncompliance.

CONTINUANCE OF HEARING DATES

The due process hearing is continued to and shall resume on Thursday, June 17, 2021, at 9:30 a.m., and shall continue day to day as determined by the ALJ. The parties

shall ensure they and their respective witnesses are available on June 22, 23, 24, and 25, if needed.

Parties shall upload to Caselines a revised joint schedule of witnesses, in compliance with the PHC Order, when directed to do so by the ALJ after hearing resumes on June 17, 2021.

IT IS SO ORDERED.

Ted Mann

Ted Mann
Administrative Law Judge
Office of Administrative Hearings