BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENTS ON BEHALF OF STUDENT, v. FULLERTON SCHOOL DISTRICT,	OAH Case No. 2017090443
FULLERTON SCHOOL DISTRICT, v. PARENTS ON BEHALF OF STUDENT.	OAH Case No. 2017060283 ORDER FOLLOWING PREHEARING CONFERENCE

Student filed his request for due process (complaint) with the Office of Administrative Hearings on September 11, 2017, naming Fullerton School District. District filed its response to Student's complaint on September 21, 2017, which permits the hearing to go forward. (*M.C. v. Antelope Valley Unified Sch. Dist.* (9th Cir. 2017) 858 F.3d 1189, 1199-1200.)

On February 12, 2018, a telephonic prehearing conference was held before OAH Administrative Law Judge Darrell Lepkowsky. N. Jane DuBovy, Attorney at Law, appeared on behalf of Parents on behalf of Student. Also appearing were paralegals Carrie Watts and Ellarie Hernandez. Lauri A. Arrowsmith, Attorney at Law, appeared on behalf of District. The ALJ recorded the PHC.

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

1. Hearing Dates, Times, and Location. The hearing shall take place on February 20, 21, 22, 26, 27, and 28, and March 1, 12, 13, 14, and 15, 2018, and continuing day to day, Monday through Thursday, at the discretion of the ALJ. **The hearing shall take place at District's offices located at 1401 W. Valencia Drive, Fullerton California, 92833. The hearing shall begin at 1:30 p.m. on February 20, February 26, and March 12, 2018, and at 9:00 a.m. all other days, unless otherwise ordered.**

As ordered in the scheduling order, the named local educational agency was to provide a facility for the hearing that fully complies with the Americans with Disabilities Act of 1990 (42

U.S.C. § 12101 et seq.), the Rehabilitation Act of 1973 (29 U.S.C. § 794 et seq.), the Unruh Civil Rights Act (Civ. Code, § 51 et seq.), and all laws governing accessibility of government facilities to persons with disabilities. The named local educational agency failed to certify that it would provide a facility for this case that complied with the law. The local educational agency shall inform OAH within two days of the date of this order it is able to certify that it will provide a facility that complies with the law.

Prior to the beginning of the hearing, District shall ensure that the hearing room is configured into a courtroom setting and shall have at a minimum (1) a table for Student and his representatives; (2) a table for District's legal representative and special education representative; (3) a table for the witness; and (4) a table for the ALJ, near an electrical outlet. District shall provide drinking water and tissue to all parties, witnesses and the ALJ. The same hearing room shall be used for each day of hearing and shall be available at least one hour prior to the commencement of the hearing each day. The hearing room shall be locked following the hearing each night.

District shall also provide a meeting room for Student's representatives to be available a half hour prior to the start of the hearing, during hearing breaks, and during the lunch break.

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. Issues and Proposed Resolutions. The issues for hearing, and the proposed resolutions, are listed below.

Student's Issues

(1) During the 2015-2016 school year, with regard to the development of Student's January 11, 2016, January 29, 2016, February 17, 2016, March 24, 2016, and May 18, 2016 individualized educational programs, did District infringe upon Parents' right to meaningfully participate in Student's IEP process and cause Student a loss of educational benefit, thereby procedurally denying Student a free appropriate public education, by:

a. Failing to take into consideration Parents' concerns in the development of the IEPs;

b. Failing to include all required content in the IEP document including a statement of Student's present levels of developmental, functional and academic performance in all areas; annual goals in all areas of need arising from Student's disability; a statement of the special education and related services to be provided based on peer-reviewed research; a clear and concise statement of the frequency and duration of services;

and a clear description of the placement offered, with sufficient details to allow Parents to understand what was offered and provide informed consent;

c. Failing to ensure that Parents were members of any team that made decisions regarding Student's educational placement and program; and predetermining and/or unilaterally determining Student's program and the content of Student's IEP outside of the IEP process; and

d. Failing to consider the results of private and independent evaluations and private treatment providers' recommendations in determinations regarding placement, services, and the provision of FAPE?

(2) During the 2016-2017 school year, with regard to the development of Student's October 3, 2016, November 17, 2016, March 20, 2017, and May 4, 2017 IEPs, did District infringe upon Parents' right to meaningfully participate in Student's IEP process and cause Student a loss of educational benefit, thereby procedurally denying Student a free appropriate public education, by:

a. Failing to take into consideration Parents' concerns in the development of the IEPs;

b. Failing to include all required content in the IEP document including a statement of Student's present levels of developmental, functional and academic performance in all areas; annual goals in all areas of need arising from Student's disability; a statement of the special education and related services to be provided based on peer-reviewed research; a clear and concise statement of the frequency and duration of services; and a clear description of the placement offered, with sufficient details to allow Parents to understand what was offered and provide informed consent;

c. Failing to ensure that Parents were members of any team that made decisions regarding Student's educational placement and program; and predetermining and/or unilaterally determining Student's program and the content of Student's IEP outside of the IEP process; and

d. Failing to consider the results of private and independent evaluations and private treatment providers' recommendations in determinations regarding placement, services, and the provision of FAPE?

(3) Did District infringe upon Parents' right to meaningful participation in Student's IEP process, thereby procedurally denying Student a FAPE, by failing to provide copies of all of Student's records upon Parents' written requests made on August 5, 2016 and in April 2017?

(4) Did District infringe upon Parents' right to meaningful participation in Student's IEP process, thereby procedurally denying Student a FAPE, by failing to allow Parents' expert to conduct observations of the program in March and April 2017?

(5) Did District deny Student a FAPE by failing to conduct an appropriate evaluation in all areas of suspected disability when it reevaluated Student in March 2016, specifically because its psychoeducational and academic evaluation, its language and speech evaluation; its occupational therapy evaluation, and its functional behavior assessment each were not sufficiently comprehensive to identify each of Student's unique educational and related services needs, did not rely on a variety of assessment tools and strategies, and were not conducted by assessors with expertise in Student's complex multiple diagnoses?

(6) Did District deny Student a FAPE by failing to conduct an appropriate evaluation in all areas of suspected disability when it reevaluated Student in March 2017, specifically because its social-emotional assessment was not sufficiently comprehensive to identify each of Student's unique special education and related service needs, did not rely on a variety of assessment tools and strategies, and were not conducted by assessors with expertise in Student's complex multiple diagnoses?

(7) Did District deny Student a FAPE during the time period from September 11, 2015, to the filing of his due process complaint, by failing to conduct evaluations in all areas of suspected disability when it failed to conduct evaluations in the areas of central auditory processing disorder, vision processing and vision therapy?

(8) Did District deny Student a FAPE during the 2015-2016 school year, including extended school year 2016, in the April and May 2015 IEPs and September 2015 IEP (as implemented from September 11, 2015 forward), as well as in the IEPs of January 11, 2016, January 29, 2016, February 17, 2016, March 24, 2016, and May 18, 2016, by failing to:

a. Develop appropriate and ambitious goals in all areas of need to enable Student to make progress toward the general education curriculum;

b. Offer and provide appropriate and sufficient related services in the area of language and speech to address Student's needs and allow him to make adequate progress;

c. Offer and provide sufficient related services in the area of occupational therapy to address Student's needs and allow him to make adequate progress;

d. Offer and provide related services in the area of auditory processing to address Student's needs and allow him to make adequate progress;

e. Offer and provide appropriate assistive technology and/or augmentative assistive communication devices, services, and supports to address Student's needs and allow him to make adequate progress;

f. Offer and provide appropriate and sufficient related services in the area of social skills;

g. Offer and provide sufficient and appropriate levels of behavior intervention that included additional applied behavior analysis support provided outside of the school day for direct skill development;

h. Offer and provide appropriate related services in the area of Parent Training to address Student's needs; and

i. Offer and provide an appropriate program for extended school year that included direct behavioral interventions, sufficient related services, structured learning opportunities, and appropriate opportunities for socialization with typical peers to prevent regression and provide Student with a FAPE?

(9) Did District deny Student a FAPE during the 2016-2017 school year, including extended school year 2017, in Student's October 3, 2016, November 17, 2016, March 20, 2017, and May 4, 2017 IEPs, by failing to:

a. Develop appropriate and ambitious goals in all areas of need to enable Student to make progress toward the general education curriculum;

b. Offer and provide appropriate and sufficient related services in the area of language and speech to address Student's needs and allow him to make adequate progress;

c. Offer and provide sufficient related services in the area of occupational therapy to address Student's needs and allow him to make adequate progress;

d. Offer and provide related services in the area of auditory processing to address Student's needs and allow him to make adequate progress;

e. Offer and provide appropriate assistive technology and/or augmentative assistive communication devices, services, and supports to address Student's needs and allow him to make adequate progress;

f. Offer and provide appropriate and sufficient supports and strategies in the area of behavior, including an appropriate behavior intervention plan;

g. Offer and provide sufficient and appropriate levels of behavior intervention that included additional applied behavior analysis support provided outside of the school day for direct skill development;

h. Offer and provide appropriate and sufficient related services in the areas of counseling/mental health to include individual therapy outside of school to address Student's needs and allow him to access an educational benefit;

i. Offer and provide appropriate and sufficient related services in the area of social skills?

j. Offer and provide appropriate related services in the area of Parent Training in order to address Student's needs;

k. Offer and provide an appropriate program for extended school year that included direct behavioral interventions, sufficient related services, research based interventions for language comprehension deficits, and appropriate opportunities for socialization with typical peers to prevent regression and provide Student with a FAPE; and

l. Offer and provide an appropriate placement?

Student's proposed resolutions:

1. Reimbursement to Parents for the following approximate costs:

a. Dr. Davidson's psychoeducational independent educational evaluation, in the amount of $6500;

b. Dr. Braun's central auditory processing disorder assessment, in the amount of $659;

c. Vision therapy provided by Dr. Ballinger, in the amount of $900;

2. Reimbursement for private instruction and related services funded by Parents during the 2015-2016 school year, including extended school year 2016, for the following approximate costs:

a. Language and speech therapy, for $1680;

b. Clinic-based occupational therapy, for $840;

c. Direct behavior intervention/applied behavior analysis services, including extracurricular/social activities and camps, as well as home and community based one-on-one interventions, in the amount $3360;

d. Social activities provided outside of school, with aide support, in the amount of $1800; and

e. Camp programs provided during extended school year, in the amount of $1078.

3. Reimbursement for private instruction and related services funded by Parents during the 2016-2017 school year, including extended school year 2017, for the following approximate costs:

a. Language and speech therapy, for $1680;

b. Clinic-based occupational therapy, including an intensive summer program, for $2840;

c. Direct behavior intervention/applied behavior analysis services, for $3360;

d. Social activities outside of school, with aide support, for a cost of $1670;

e. Cognitive behavioral therapy beginning January 2017, in the amount of $240;

f. Social Skills group beginning March 2017, in the amount of $1000;

g. Parent training programs, for a cost of $1706;

h. Lindamood-Bell instruction during summer 2017, for a cost of $9150; and

i. Camp programs during extended school year 2017, for a cost of $887.

4. Reimbursement for private instruction and related services funded by Parents during the 2017-2018 school year, including extended school year 2017, for the following approximate costs and anticipated costs:

a. Placement at the Lab School at the University of California, Irvine's Child Development Center, through extended school year 2017, in the amount of $29,910;

b. Language and speech therapy, at a cost of $1680;

c. Clinic-based occupational therapy, at a cost of $840;

d. Direct behavior intervention/applied behavior analysis, if Student is ready to resume direct applied behavior analysis services;

e. Social activities provided outside of the school day, with aide support, in the amount of $1670;

f. Cognitive behavior therapy services, in the amount of $840;

g. Vision therapy services in the amount of $2400;

5. Mileage reimbursement to and from all therapies funded by Parents, and to and from the Lab School, as follows:

a. For school year 2015-2016, including summer 2016, in the amount of $1392.77;

b. For school year 2016-2017, including summer 2017, in the amount of $3481.49;

c. For school year 2017-2018, including summer 2018, in the amount of $10,686.17

5. An order that District fund the following:

a. Assistive technology devices and support to meet Student's needs, along with training for all personnel;

b. Implementation of the strategies, accommodations, and supports, recommended by Student's independent assessors and outside providers;

c. Independent educational evaluations in the areas of functional behavior, language and speech, and occupational therapy, by assessors Parents' choice;

District's Issues:

(1) Was Student's triennial assessment conducted in accordance with all legal requirements?

(2) Was Student's functional behavior assessment conducted in accordance with all legal requirements?

(3) Was Student's social-emotional assessment conducted in accordance with all legal requirements?

District's Proposed Resolutions:

1. An order that all assessments at issue were legally appropriate such that Parents are not entitled to independent educational evaluations at District's expense.

3. Exhibits. Exhibits shall be pre-marked and placed in three-ring exhibit binders prior to the hearing. The parties shall use numbers to identify exhibits, but shall place the letter "S" or "D" in front of the exhibit to designate if it is a Student or District exhibit (for example, "S-5, S-6," or "D-1, D-2"). Each exhibit shall be internally paginated

by exhibit, or all of a party's exhibits shall be Bates-stamped. Each exhibit binder shall contain a detailed table of contents. The parties shall serve their evidence binders on each other in compliance with Education Code section 56505, subdivision (e)(7). At the hearing, each party shall supply an exhibit binder containing its exhibits for use by the ALJ, and a second exhibit binder for use by witnesses. The parties may not serve exhibits on OAH prior to the hearing. In the event of duplicate exhibits, the most legible version will be used.

Each exhibit shall consist of one document; separate documents may not be combined into one exhibit, with the exception of email or correspondence chains and Student schoolwork samples. To the extent practicable, exhibits in the binders shall be in chronological order.

Student will provide a copy of his exhibit binder that is fully tabbed, hole-punched, and paginated to counsel for District no later than 9:00 a.m. on Wednesday, February 14, 2018.

The parties shall meet and confer **by February 16, 2018,** to delete duplicate exhibits from the exhibit binders. **If the parties have duplicate exhibits, they shall jointly determine which shall be used at hearing. The duplicate exhibit not to be used shall be removed from the respective binder prior to the hearing.** The parties are not required to renumber exhibits if exhibits are deleted from notebooks.

The parties shall exchange resumes for each witness who is expected to testify as to their professional credentials. Notwithstanding the requirements of Education Code section 56505, subdivision (e)(7), the parties shall exchange resumes and curriculum vitae not later than **February 16, 2018.**

District shall include as part of its exhibits the school calendar(s) for all of the years at issue. Notwithstanding the requirements of Education Code section 56505, subdivision (e)(7), District shall serve a copy of the school calendar(s) on Student **by February 16, 2018,** and include the school calendar(s) in the binders provided for use by the witnesses and the ALJ.

If the parties intend to rely on IEPs, the parties shall attach all pages of the IEP(s), including copies of all actual signatures on the IEP(s) and any typewritten or handwritten notes or comments, if any, written on the IEP(s). Excerpts of an audio record of an IEP team meeting, if any, should, in addition to the audio record offered, be transcribed and offered as documentary evidence; that portion of the audio record transcribed shall be provided to the opposing party along with the transcript to allow an opportunity to verify the accuracy of the transcription. Transcriptions need not be prepared by a certified court reporter.

Except for good cause shown, or unless used solely for rebuttal or impeachment, any exhibit not timely exchanged shall not be admitted into evidence at the hearing unless it is supported by written declaration under penalty of perjury, and the ALJ rules that it is admissible. Education Code section 56505, subdivision (e)(8), affords each party the right to

prohibit the introduction of any evidence at the hearing that has not been disclosed at least five business days before the hearing.

4. Witnesses. Each party is responsible for procuring the attendance at hearing of its own witnesses, and shall subpoena witnesses if necessary, to ensure that the witnesses will be available to testify. Each party shall make witnesses under its control reasonably available. The parties shall schedule their witnesses to avoid delays in the hearing and to minimize or eliminate the need for calling witnesses out of order.

The parties shall comply with Education Code section 56505, subdivision (e)(7). No party shall be permitted to call any witnesses not timely disclosed except for good cause shown, supported by written declaration under penalty of perjury, and at the discretion of the ALJ. Education Code section 56505, subdivision (e)(8), affords each party the right to prohibit the introduction of any evidence at the hearing that has not been disclosed at least five business days before the hearing.

The parties shall meet and confer **by February 16, 2018**, as to the schedule of witnesses and coordinate the availability and order of witnesses to ensure that there is a witness available to testify at all times during the hearing and to ensure that the hearing is completed as scheduled. The parties shall also meet and confer regarding the one joint detailed hour-by-hour schedule.

On the first day of hearing before the first witness testifies, the parties shall provide the ALJ with one joint detailed hour-by-hour schedule of all witnesses expected to testify at hearing, which list shall also include an estimate of time for each party's direct and cross-examination. Counsel shall meet and confer each day of hearing to revise the witness schedule as needed. The witness schedule shall account for ALJ questioning and hearing breaks.

The parties are ordered to meet and confer by **no later than February 16, 2018, at 5:00 p.m.** to identify witnesses on their respective witness lists who cannot be produced at hearing without a subpoena and provide the witnesses' contact information to opposing counsel so that subpoenas can be issued. As part of the meet and confer process, District's counsel shall inform Student's counsel as to whether the witnesses on Student's witness list are employed by or otherwise under the control of District, and if not, shall provide Student's counsel with the witness(es)' most recent contact information by **no later than February 14, 2018, at 2:00 p.m.** Any contact information provided by District shall be used by Student's counsel for the limited purpose of issuing subpoenas or for contacting the witness(es) for purposes of attending the hearing and shall not be disseminated to any other person(s).

District shall have witnesses available in case agreement on a witness list is not reached. The parties shall be prepared at the end of each day of hearing to discuss the witnesses to be presented the next day and the time the testimony each witness is expected to take.

The parties are encouraged to review and shorten their witness lists prior to the hearing, bearing in mind that evidence will be excluded if it is repetitive, cumulative, or insufficiently probative to justify the time it would take to hear such evidence. The ALJ has discretion to limit the number of witnesses who testify and the time allowed for witnesses' testimony. Education Code, section 56505.1, subdivision (h), empowers the ALJ presiding at a due process hearing to set a reasonable limit on the length of the hearing after consideration of all of the following: (i) issues to be heard, (ii) complexity of facts to be proven, (iii) ability of the parties or their representatives to present their respective cases, and (iv) estimates of the parties as to the time needed to present their respective cases.

5. Scope of Witness Examination. Each witness shall be called to testify only once, except for rebuttal purposes, and all parties shall examine the witness on all issues when the witness is first called. After the first direct and cross-examinations, each party shall be limited in examining the witness to only those matters raised in the immediately preceding examination unless otherwise permitted by the ALJ. The order in which the parties present their cases in chief shall be subordinate to the need for each witness to appear only once. Unless otherwise ordered, only one round of redirect and/or re-cross examination shall be permitted.

6. Telephonic Testimony. Whether a witness may appear by telephone is a matter within the discretion of the ALJ. (Cal. Code Regs., tit. 5, § 3082, subd. (g).) Any party seeking to present a witness by telephone shall move in advance for leave to do so, unless the opposing party has stipulated that the witness may appear by telephone. Prior to the hearing, the proponent of the witness shall provide the proposed witness with a complete set of duplicate physical copies of the exhibit binders from all parties, containing all of each party's exhibits and shall instruct the witness not to remove any documents from the exhibit binders. Faxed or electronic copies are unacceptable. The hearing room shall have sound equipment that allows everyone in the room to hear the witness, and the witness to hear objections and rulings. Unless otherwise ordered, the witness shall testify on a land-line telephone while alone in a private room. No witness will be heard by telephone unless all these requirements have been fulfilled.

Student's unopposed motion to have Dr. Beth Ballinger testify by telephone is granted. Student will provide a copy of each party's exhibit binder to Dr. Ballinger prior to the time of her testimony.

7. Electronic Recording of Hearing.

a. Audio Recording. The ALJ shall record the hearing and the ALJ's recording is the only official record of the hearing. No person shall record or photograph the proceedings unless otherwise permitted by the ALJ.

Student's request to record the hearing is granted. Either party may make an audio recording of the hearing as a courtesy and subject to the following conditions: 1) OAH's recording is the only official recording; 2) the recording will be turned on and off at the same

time as the ALJ's recording, to avoid recording conversations while off the record; 3) operation of the party's recording mechanism will not be allowed to delay the hearing; 4) the recording shall not be played or published for a prospective witness; 5) the recording shall not be used for any purpose other than assisting in the representation and presentation of this due process hearing; 6) the parties shall erase, or otherwise destroy, the recording after the hearing and all opportunities for appeal from any decision herein has been exhausted; and 7) the parties shall not use this recording in any subsequent due process hearing or other proceeding; 8) No more than one person for each party may record the hearing; and 9) the parties shall destroy the unofficial recording when the decision in this case becomes final and/or when all appeals have been exhausted.

b. Video Recording. No party, witness or anyone else present may make any video recording of any part of the proceedings. Any person doing so shall be subject to sanctions.

8. Order of Presentation of Evidence. In an administrative proceeding, the burden of proof is ordinarily on the party requesting the hearing. (*Schaffer v. Weast* (2005) 546 U.S. 49, 56-62 [126 S.Ct. 528, 163 L.Ed.2d 387].) Here, Student is the petitioning party. Accordingly, subject to the parameters discussed in Paragraph 5, Student shall present his case-in-chief, followed by District.

9. Motions.

a. Student's request to record the hearing is granted as stated in paragraph 7.

b. Student's motion to present the testimony of Dr. Ballinger by telephone is granted as stated in paragraph 6.

c. Student's motion to quash the subpoena duces tecum District served on the University of California, Irvine's Child Development Center will be addressed in a separate order.

d. No other pretrial motions are pending or contemplated. Other than a renewed motion to continue, any motion filed after this date shall be supported by a declaration under penalty of perjury establishing good cause as to why the motion was not made prior to or during the prehearing conference of **February 12, 2018**.

10. Compensatory Education/Reimbursement. Any party seeking reimbursement of expenditures shall present admissible evidence of these expenditures, or a stipulation to the amount of expenditures, as part of its case in chief. A party seeking compensatory education should provide evidence regarding the type, amount, duration, and need for any requested compensatory education.

11. Stipulations. Stipulations to pertinent facts, contentions or resolutions are encouraged. Any proposed stipulation shall be submitted to the assigned ALJ in written

form. The parties shall meet and confer **by February 16, 2018**, to determine legal and factual stipulations, if any, to be submitted at hearing and before the record closes.

12. Conduct of Counsel and Hearing Room Decorum. Counsel, all parties, and all witnesses shall conduct themselves in a professional and courteous manner at all times. Cellular phones, pagers, recorders, and other noisemaking electronic devices shall be shut off during the hearing unless permission to the contrary is obtained from the ALJ. There shall be no texting permitted while the hearing is in session. No eating is permitted in the hearing room while the ALJ is on the record.

13. Special Needs and Accommodations. At present neither party anticipates the need for special accommodation for any witness or party, or for translation services.

A party or participant to this case, such as a witness, requiring reasonable accommodation to participate in the mediation or hearing may contact the assigned calendar staff, identified in the scheduling order, at (916) 263-0880, as soon as the need is known. Additional information concerning requests for reasonable accommodation is available on OAH's website at: http://www.dgs.ca.gov/oah/Home/Accommodations.aspx

14. The Hearing Will Be Closed to the Public.

15. 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.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.

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

DATE: February 13, 2018

DocuSigned by:
Darrell Lepkowsky
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DARRELL LEPKOWSKY
Administrative Law Judge
Office of Administrative Hearings