BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2017111058
v.	ORDER FOLLOWING PREHEARING CONFERENCE OF JANUARY 19, 2018 FOR NON-EXPEDITED ISSUES
VISTA UNIFIED SCHOOL DISTRICT.	

Student filed his request for due process (complaint) on November 28, 2017. District filed its response to Student's complaint on December 8, 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 January 19, 2018, a telephonic prehearing conference was held before Administrative Law Judge Darrell Lepkowsky, Office of Administrative Hearings. Jennifer Varga and Patricia Darlin, Attorneys at Law, appeared on behalf of Student. Christopher Fernandes and Sarah Orloff, Attorneys at Law, appeared on behalf of Vista Unified School District. The ALJ recorded the PHC.

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

1. Hearing Dates, Times, and Location. Student orally moved for a continuance of the non-expedited case as the parties are attempting to finalize a settlement agreement. District did not oppose the motion, stating it is hopeful that the settlement will be finalized before the next PHC. It is the first request for a continuance for the non-expedited portion of the case. Good cause appearing, Student's motion is granted. The matter is continued as follows:

Telephonic Prehearing Conference: February 2, 2018, at 3:00 p.m.

Due Process Hearing: February 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 the **District's offices located at 1234 Arcadia Avenue, Vista, California, 92084.** 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.[1]

[1] Since Student orally made the motion for continuance at the start of the PHC, counsel for District was unable to confirm the dates with District staff. If District staff is not available the week of February 13, 2018, District shall immediately confer with Student as to

2. As ordered in the scheduling order, District has certified that the facility(s) it will use for the hearing 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. District shall immediately inform OAH in writing if it is no longer able to certify that its facilty(s) complies with these laws.

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.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.

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alternative dates and the parties will make a joint motion to continue the matter as soon as possible.

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

IT IS SO ORDERED.

DATE: January 19, 2018

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