

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

COMPTON UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2012100015

ORDER FOLLOWING PREHEARING
CONFERENCE AND ORDER
CONTINUING PREHEARING
CONFERENCE AND DUE PROCESS
HEARING DATES

On January 14, 2013, a telephonic prehearing conference (PHC) was held before Administrative Law Judge (ALJ) Clifford H. Woosley, Office of Administrative Hearings (OAH). Pamela K. Daves, Attorney at Law, appeared on behalf of Student (Student). Ian Wade, Attorney at Law, appeared on behalf of Compton Unified School District (District). The PHC was recorded.

Continued Prehearing Conference and Hearing Dates:

District requested a short continuance of the hearing, scheduled for January 22, 23 and 24, 2013. Mr. Wade stated that the civil court had notified him this past week that he must begin a jury trial in Sacramento, a necessity that was exacerbated this past Friday by the medical leave of an associated attorney who was assigned to the civil jury trial. Mr. Wade states that he is therefore unable to proceed with the due process hearing as presently scheduled. Mr. Wade has handled this due process matter since its filing and fully expected to be able to proceed with the scheduled hearing. He further indicated that there was not another attorney in his firm who could handle this due process hearing, on such short notice, without compromising the presentation of his client's case.

ALJ Woosley also found that the listed issues and number of contemplated witnesses required a due process hearing that would exceed three days. Since OAH is dark the entire week of January 28, 2013, for special education matters, any needed additional days for the hearing could not be scheduled before February 5, 2013, 12 days later.

Mr. Wade stated he would be available for the hearing as of February 12, 2013. However, Ms. Daves is scheduled for jury duty and unavailable. She would be available as of March 1, 2013.

Good cause having been demonstrated, the request for continuance of the due process hearing is granted and the new PHC and hearing dates are as follows:

Prehearing Conference: **10:00 a.m., February 27, 2013 (telephonic).**

Due Process Hearing: **March 5, 6, 7, 11, 12, and 13, 2013,** beginning at 10:30 a.m., on the first day and 9:30 a.m. for all other days, at **Caldwell Elementary USD, 2300 W. Caldwell St., Compton, CA 90220.** The hearing shall continue day to day, Monday through Thursday, at the ALJ's discretion, unless ordered otherwise.

Additional Orders:

1. The parties will file new PHC statements for the February 27, 2013 PHC by Monday, February 25, 2013.
2. As stipulated by the parties, the exchange of witnesses and exhibits by 5:00 p.m., February 27, 2013, shall be deemed in compliance with Education Code section 56505, subdivision (e)(7), which provides for disclosure of witnesses and exhibits "at least" five business days prior to the hearing.
3. In their respective PHC statements, the parties must identify each proposed witness' full name, the witness' connection to the Student, and the nature of the witness' proposed testimony, with sufficient specificity to enable the other party to evaluate the witness' relevancy and to prepare for witness' examination.
4. By February 15, 2013, District shall inform Student's counsel if District is unable to produce for hearing any of Student's proposed District witnesses, so that Student may timely serve a subpoena compelling appearance at hearing.
5. District's objection to Issue Eight, as listed in Student's January 9, 2013 PHC Statement, is overruled.
6. Student will amend his issues for hearing, as listed in his January 9, 2013 PHC Statement, to include times, dates, and the nature of alleged insufficiencies.
7. In light of the age of the original filings and the inability of the parties to resolve this dispute informally to date, no further continuances are contemplated.

Dated: January 14, 2013

/s/

CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings