

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

SAN JOSE UNIFIED SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NO. 2012080825

ORDER FOLLOWING TRIAL
SETTING CONFERENCE

On January 28, 2013, a telephonic trial setting conference (TSC) was held before Administrative Law Judge (ALJ) Peter Paul Castillo, Office of Administrative Hearings (OAH). Eliza J. McArthur, Attorney at Law, appeared on behalf of San Jose Unified School District (District). David H. Tollner, Attorney at Law, appeared on behalf of Student. The TSC was recorded

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

1. Hearing Dates, Times, and Location. The hearing is continued on motion of District for the presentation of rebuttal testimony of Megan Warter and Nancy Hansen, and their testimony is limited to only new evidence raised in Student's case-in-chief. The District shall have available Suzanne Baker to testify on behalf of Student if surrebuttal testimony is required. The final day of hearing shall be February 6, 2013, at 9:00 a.m., and shall be conducted by telephone. OAH shall initiate the telephone call.¹

The parties shall immediately notify all potential witnesses of the hearing date, 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. Exhibits. The District shall provide the documents discussed on January 24, 2013, to Student by 5:00 p.m. on February 1, 2013. The documents to ALJ Castillo shall be sent to his attention at OAH's Oakland office at, 1515 Clay Street, Suite 206, Oakland, California 94612.

¹ If the witnesses are not available on February 6, 2013, the parties agreed to resume and conclude the hearing at 9:00 a.m., on February 14, 2013.

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

IT IS SO ORDERED.

Dated: January 28, 2013

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings