

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

ONTARIO-MONTCLAIR SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2013010157

ORDER CONTINUING PRE-HEARING
CONFERENCE

On February 27, 2013, a telephonic prehearing conference (PHC) was held before Administrative Law Judge (ALJ) Stella L. Owens-Murrell, Office of Administrative Hearings (OAH). Michelle Jordan, Attorney at Law, appeared on behalf of District. The ALJ contacted Mother on behalf of Student and when the ALJ explained the purpose of the call Mother requested a return phone call. When called the second time Mother hung up the phone after being questioned about the PHC statement that she failed to file. The PHC was recorded.

Mother contends she did not receive a scheduling order detailing her responsibilities in preparing for the PHC and hearing. The ALJ confirmed Mother's address and explained to Mother that OAH mailed a scheduling order to her address of record on January 9, 2013 detailing the requirement to file a PHC statement. Based upon further discussion with District's Attorney, after Mother discontinued the call, the ALJ issues the following order:

1. The PHC is continued to Monday March 4, 2013 at 2:30 p.m. The hearing remains on calendar for March 13-14, 2013.

2. Mother is ordered to file a PHC statement by close of business Friday March 1, 2013. The requirements for a PHC and PHC statement, which were included in the scheduling order, are reproduced below:

A prehearing conference is a telephonic conference held between the Administrative Law Judge and the parties to discuss and clarify the due process hearing issues, witnesses, and other prehearing matters. The telephonic prehearing conference will be initiated by an ALJ at OAH.

Each party is required to submit a **PREHEARING CONFERENCE STATEMENT** which shall be filed at least **three business days prior to the PREHEARING CONFERENCE** with the Office of Administrative Hearings, Special Education Division, 2349 Gateway Oaks Drive, Suite 200, Sacramento, CA 95833. The Prehearing Conference Statement may be filed and served by facsimile transmission at (916) 376-6319. The parties

need not mail a hard copy of any document sent by facsimile transmission. The parties shall not send by mail or facsimile transmission copies of documentary evidence intended for the due process hearing to OAH. The Prehearing Conference Statement shall include the following:

- a. Each party's estimate of the time necessary to complete the Due Process Hearing;
- b. A concise statement of the issues that remain to be decided at the Due Process Hearing and the proposed resolution of such issues, based upon those issues raised in the due process hearing request;
- c. The name of each witness the party may call at the Due Process Hearing, a brief summary of the subject of the expected testimony of the witness, and a description of the issue to which the testimony of the witness relates;
- d. The name and address of each expert witness the party intends to call at the Due Process Hearing, a brief summary of the opinion that the expert is expected to give, and a description of the issue to which the testimony of the expert relates;
- e. A list of documentary evidence that the party intends to present, and a description of any physical or demonstrative evidence; and
- f. The need for an interpreter or special accommodation at the due process hearing

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

IT IS SO ORDERED.

Dated: February 27, 2013

/s/

STELLA OWENS-MURRELL
Administrative Law Judge
Office of Administrative Hearings