

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SANTA MONICA-MALIBU UNIFIED
SCHOOL DISTRICT.

OAH CASE NO. 2013090584

PREHEARING CONFERENCE ORDER
CONTINUING PREHEARING
CONFERENCE AND DUE PROCESS
HEARING DATES

On November 4, 2013, a telephonic prehearing conference (PHC) was held before Administrative Law Judge (ALJ) Elsa H. Jones, Office of Administrative Hearings (OAH). Hamlet Yarianian, Advocate from Student Rights Attorneys, appeared on behalf of Student and Parent (collectively, Student). Debra K. Ferdman and Geneva Englebrecht, Attorneys at Law, of Atkinson, Andelson, Loya, Ruud & Romo, appeared on behalf of the Santa Monica-Malibu Unified School District (District). The PHC was recorded.

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

1. Hearing Dates, Times, and Location. District moved for continuance of the hearing. Student opposed the length of the continuance requested by District. Subsequent to the PHC, Student filed written opposition to District's motion, which memorialized his objections to the length of the continuance requested by District.

For good cause shown, and in consideration of all relevant facts and circumstances, the motion is granted as of the date of the PHC. The hearing is continued, and shall take place on February 24 through February 27, 2014, and continuing day to day thereafter, Monday through Thursday as needed, at the discretion of the ALJ. Unless otherwise ordered, the hearing shall begin each day at 9:30 a.m., except for the first day of hearing, which shall begin at 1:30 p.m. The hearing shall take place at the District's offices, located at 1651 16th Street, Santa Monica, California 90404.

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 was not properly notified of the hearing date or properly subpoenaed, as applicable.

2. Continued PHC: The PHC is continued to February 14, 2014, at 10:00 a.m. OAH will initiate the conference call. The parties have already filed PHC statements, and they need not file any additional or supplemental PHC statements unless circumstances warrant such filing.

3. Settlement. The parties are encouraged to continue working together to reach a settlement 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 inform OAH of the settlement by telephone at (916) 263-0880.

IT IS SO ORDERED.

Dated: November 7, 2013

/s/

ELSA H. JONES
Administrative Law Judge
Office of Administrative Hearings