

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

HERMOSA BEACH CITY ELEMENTARY
SCHOOL DISTRICT.

OAH CASE NO. 2011081019

STATUS CONFERENCE ORDER RE:
SETTING OF DUE PROCESS
HEARING AND PREHEARING
CONFERENCE FOR SUPPLEMENTAL
TESTIMONY ON REMAND OF ISSUE

On November 12, 2013, Administrative Law Judge (ALJ) Judith L. Pasewark of the Office of Administrative Hearings (OAH) held a telephonic Status Conference on the above entitled matter regarding the remand of a decision issue by the United States District Court for the Central District of California, Case No. CV-12-6805 GAF. Diane Willis, attorney for the District, and Valerie Gilpeer and Eric Menyuk, attorneys for Student, participated in the Status Conference.

Based upon discussions with the parties, this matter is set as follows:

1. **DUE PROCESS HEARING:** The Due Process Hearing on remand in this matter shall occur before ALJ Judith L. Pasewark on February 11 and 12, 2014, at 9:30 a.m. at the offices of Hermosa Beach City Elementary School District located at 1645 Valley Drive, Hermosa Beach, CA 90245. Testimony on this matter shall be limited in scope and supplemental to the transcript of hearing and May 16, 2012 decision on OAH Case No. 2011081019, which shall be admitted into evidence.

The parties shall immediately notify all potential witnesses of the hearing dates to ensure their availability to testify on the scheduled hearing dates. A witness is not "unavailable" for purposes of a continuance if not properly notified of the hearing dates.

2. **PREHEARING CONFERENCE:** A **mandatory** telephonic Prehearing Conference (PHC) shall take place February 3, 2013 at 1:00 p.m. ALJ Pasewark will conduct the PHC and will initiate the call. The use of landline telephones is preferred. Due to reception and privacy concerns, appearance by cell phone requires the party appearing by cell phone to be in a private, stationary location.

3. **ISSUE:** The issue on remand is whether the December 11, 2009 Individualized Educational Plan (IEP) offered Student a free appropriate public education (FAPE).

4. **PREHEARING CONFERENCE STATEMENT:** 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. Unless otherwise directed by the ALJ, 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, noting that only two days will be allotted for rehearing;

b. The name of each witness or expert the party may call at the Due Process Hearing, a brief summary of the subject of the expected testimony of the witness or expert, and a description of the issue to which the testimony of the witness relates;

c. 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; and

d. A list of documentary evidence that the party intends to present, and a description of any physical or demonstrative evidence.

5. **PREHEARING MOTIONS:** All prehearing motions shall be served upon the opposing party and filed with the Office of Administrative Hearings, Special Education Division, **at least three business days before the Prehearing Conference**. Prehearing motions may be filed and served by facsimile transmission unless they exceed 35 pages in length in which case other means of delivery shall be used.

6. **CONTINUING COOPERATION:** The parties shall continue to confer and cooperate with each other to (1) facilitate the exchange of evidence, (2) reach stipulations of fact, law and the admissibility of evidence in order to promote the efficient conduct of the hearing, and (3) promote productive settlement discussions.

Dated: November 12, 2013

/s/

JUDITH L. PASEWARK
Administrative Law Judge
Office of Administrative Hearings