

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

MANHATTAN BEACH UNIFIED
SCHOOL DISTRICT.

OAH CASE NO. 2013090083

ORDER FOLLOWING PRE-HEARING
CONFERENCE AND GRANTING
SECOND JOINT REQUEST FOR
CONTINUANCE

On November 25, 2013, Administrative Law Judge (ALJ) Adrienne L. Krikorian, Office of Administrative Hearings (OAH) held a telephonic prehearing conference (PHC). Attorney Marcy Tiffany appeared on Student's behalf. Attorney Christopher Fernandez appeared on behalf of Manhattan Beach Unified School District (District.) The PHC was recorded.

The parties filed with OAH a second Joint Request for Continuance immediately prior to the start of the PHC, requesting slightly more than a sixty day continuance from the currently scheduled hearing dates.

1. Request for Continuance

Counsel for the parties represented that they have been actively engaged in settlement discussions since the time of their last request for continuance, and that they need additional time to research alternative placement options for Student, which requires coordination between District, Parents and the proposed placement schools. The parties contemplate that a continuance will enable parties to work toward reaching a settlement of all issues and avoiding hearing. The parties have established that good cause exists to continue the matter, and therefore the request is granted. The new hearing dates are:

PHC: January 27, 2014 at 10:00 a.m. The Parties shall file their PHC statements, as provided for in the original scheduling order dated September 4, 2013, not later than three business days before the PHC.

Hearing: February 10, 11, 12 and 13, 2014, and continuing day to day, Monday through Thursday as needed at the discretion of the ALJ. The first day of hearing shall begin at 1:30 p.m., and all other hearing days shall begin at 9:30 a.m. unless otherwise ordered.

Because this is the second continuance of this matter, OAH does not contemplate any further continuances of the matter. All other PHC matters will be discussed at the continued PHC.

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

IF A FULL AND FINAL WRITTEN SETTLEMENT AGREEMENT IS REACHED AFTER 5:00 P.M. THE DAY PRIOR TO HEARING, THE PARTIES SHALL LEAVE A VOICEMAIL MESSAGE REGARDING THE SETTLEMENT AT (916) 274-6035. THE PARTIES SHOULD ALSO LEAVE CONTACT INFORMATION SUCH AS CELLULAR PHONE NUMBERS OF EACH PARTY OR COUNSEL FOR EACH PARTY. THE PARTIES SHOULD SIMULTANEOUSLY FAX THE SIGNATURE PAGE OF THE SIGNED AGREEMENT OR A LETTER WITHDRAWING THE CASE TO THE OAH AT THE FAXINATION LINE at 916-376-6319.

Dates for hearing will not be cancelled until the letter of withdrawal or signature page of the signed agreement has been received by OAH. If an agreement in principle is reached, the parties should plan to attend the scheduled hearing unless different arrangements have been agreed upon by the assigned ALJ. The assigned ALJ will check for messages the evening prior to the hearing or the morning of the hearing.

If the matter settles subject to board approval, in addition to a signed copy of the signature page of the settlement agreement as noted above, the parties shall submit a request for a status conference and provide the date of the next board meeting. The hearing dates will not be cancelled without this information.

IT IS SO ORDERED.

Dated: November 25, 2013

/s/

ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings