

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ANTELOPE VALLEY UNION HIGH
SCHOOL DISTRICT.

OAH CASE NO. 2014020024

ORDER FOLLOWING PREHEARING
CONFERENCE, GRANTING
REQUEST TO CONTINUE THE
PREHEARING CONFERENCE, AND
DENYING THE REQUEST TO
CONTINUE HEARING AND
SCHEDULE A TELEPHONIC STATUS
CONFERENCE

On May 5, 2014, a telephonic prehearing conference (PHC) was held before Administrative Law Judge (ALJ) Laurie Gorsline, Office of Administrative Hearings (OAH). Heather Walters, Attorney at Law, appeared on behalf of Student. Bridget Cook, Attorney at Law, appeared on behalf of Antelope Valley Union High School District (District). The Prehearing Conference (PHC) was recorded.

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

1. Joint Stipulation to Continue the PHC, Hearing Dates and to Schedule Telephonic Status Conference. On May 1, 2014, Student and Antelope Valley Union High School District (District) filed a stipulation to continue the PHC and Due Process Hearing and to schedule a telephone status conference (TSC) on the grounds that Student's parents are out of town on vacation and cannot sign the settlement agreement until the week of May 5, 2014 and the settlement will be placed on the agenda for board approval on May 21, 2014.

The motion to continue the hearing and schedule a TSC was denied at the PHC because the parties failed to establish good cause for continuance of the hearing and the request to schedule a TSC was premature since there is no signed settlement agreement. The motion to continue the PHC was granted. The telephonic PHC was continued to May 9, 2014 at 3:00 p.m. OAH will initiate the conference call. In the event Ms. Cook cannot appear at the PHC, she shall have a representative appear at the PHC with full authority to act on her behalf and bind the District. PHC statements shall be filed with OAH and served on the parties no later than Thursday, May 8, 2014 at noon.

2. Hearing Dates, Times, and Location. The hearing shall take place on May 13, 14 and 15, 2014 and continuing day to day, Monday through Thursday as needed at the discretion of the ALJ. The hearing shall begin each day at 9:00 a.m. and end at 5:00 p.m.,

with the exception of the first day of hearing, on which day the hearing shall begin at 9:30 a.m., unless otherwise ordered.

The hearing shall take place at the District's offices located at 44811 Sierra Highway, Lancaster, CA 93534. District will ensure that parking is available for Student and his representatives and the ALJ.

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

3. 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 vacated until OAH receives written proof that the matter is withdrawn, or that a final signed settlement agreement of all claims at issue requires school board approval at an upcoming school board meeting.

IT IS SO ORDERED.

DATE: May 05, 2014

/s/
LAURIE GORSLINE
Administrative Law Judge
Office of Administrative Hearings