

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

KERN HIGH SCHOOL DISTRICT.

OAH CASE NO. 2014040094

ORDER FOLLOWING PRE-HEARING
CONFERENCE AND GRANTING
REQUEST TO CONTINUE THE
PREHEARING CONFERENCE

On May 12, 2014, a telephonic prehearing conference (PHC) was held before Administrative Law Judge (ALJ) Laurie Gorsline, Office of Administrative Hearings (OAH). Warren Finn, Attorney at Law, appeared on behalf of Student. Kathleen Lamay, Attorney at Law, appeared on behalf of Kern High School District (District). The PHC was recorded.

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

1. Motion to Continue the PHC. Both parties moved to continue PHC on the grounds the parties have reached a settlement and are in the process of obtaining the signatures to the written settlement agreement. The motion to continue the PHC was granted. The telephonic PHC was continued to May 16, 2014 at 10:00 a.m. OAH will initiate the conference call.

PHC statements shall be filed with OAH and served on the parties no later than Thursday, May 15, 2014 at noon.

2. Hearing Dates, Times, and Location. The hearing shall take place on May 21, 22 and 27, 2014 and continue 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 May 21, 2014, on which day the hearing shall begin at 9:30 a.m. and end at 5:00 p.m. The hearing shall take place at Kern High School District, 5801 Sundale Avenue, Bakersfield, CA 93309. District shall ensure there is parking available for Student, Student's attorney, 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 12, 2014

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