

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PALOS VERDES PENINSULA UNIFIED
SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2014060435

ORDER FOLLOWING PREHEARING
CONFERENCE CONTINUING
PREHEARING CONFERENCE AND
GRANTING MOTION TO CONTINUE
THE DUE PROCESS HEARING

On June 23, 2014, a telephonic prehearing conference (PHC) was held before Administrative Law Judge (ALJ) Laurie Gorsline, Office of Administrative Hearings (OAH). Debra Ferdman, Attorney at Law, appeared on behalf of Palos Verdes Peninsula Unified School District. (District). Father appeared on behalf of Student. The PHC was recorded.

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

1. Motion to Continue Hearing, Hearing Dates, Times, and Location. On June 19, 2014, District filed a Motion to Continue the Due Process Hearing scheduled to begin on July 2, 2014, on the grounds that District's counsel has a pre-planned family vacation scheduled June 22 through July 3, 2014 and many District's witnesses will be out of town during late June, July and August, 2014. Parent filed no written opposition to the Motion to Continue the Due Process Hearing. At the PHC, Parent agreed to a continuance of the hearing to September 2014. The parties could not agree on mutually agreeable hearing dates.

Good cause having been shown, the hearing was continued and shall take place on September 17, 18, 22 and 23, 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 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 Palos Verdes Peninsula USD, 3801 Via La Selva, Palos Verdes Estates, California 90274. 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.

2. PreHearing Conference. The telephonic PHC was continued to September 5, 2014 at 10:00 a.m. OAH will initiate the conference call. PHC statements shall be filed with OAH and served by the parties no later than September 2, 2014. District may, but is not required to, file an updated PHC statement.

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 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.

4. Failure to comply with this order may result in the exclusion of evidence or other sanctions.

IT IS SO ORDERED.

DATE: June 23, 2014

/s/

LAURIE GORSLINE
Administrative Law Judge
Office of Administrative Hearings