

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LIBERTY UNION HIGH SCHOOL  
DISTRICT.

OAH Case No. 2014080611

ORDER FOLLOWING EXPEDITED  
PREHEARING CONFERENCE AND  
CONTINUING EXPEDITED  
PREHEARING CONFERENCE.

On September 5, 2014, a telephonic prehearing conference concerning the expedited portion of this case was held before Administrative Law Judge Rebecca Freie. Gail Hodes, Attorney at Law, appeared on behalf of Student. Jan Tomskey, Attorney at Law, appeared on behalf of Liberty Union High School District (Liberty). The PHC was recorded.

At the beginning of the PHC Student's attorney stated that the parties were finalizing a settlement agreement, and wanted to continue the PHC to Monday, September 8, 2014. The attorney for Liberty concurred. Therefore, the parties jointly requested a continuance of the PHC. The expedited due process hearing is set for September 9-11, 2014.

A parent of a child with a disability who disagrees with any decision by a school district regarding a change in educational placement of the child based upon a violation of a code of student conduct, or who disagrees with a manifestation determination conducted by the district, may request and is entitled to receive an expedited due process hearing. (34 C.F.R. § 300.532(a) (2006).) The procedural right that affords the parties an expedited due process hearing is mandatory and does not allow OAH to make exceptions. (34 C.F.R. § 300.532(c)(2).) Although OAH cannot continue the expedited due process hearing that will begin on September 9, 2014, it is reasonable, under the circumstances, to continue the PHC. Accordingly, the request is:

☒ Granted.

Prehearing Conference: September 8, 2014, 1:00 p.m.

IT IS SO ORDERED.

DATE: September 5, 2014

/s/

REBECCA FREIE  
Administrative Law Judge  
Office of Administrative Hearings