

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ONTARIO-MONTCLAIR SCHOOL
DISTRICT.

OAH CASE NO. 2014080308

ORDER FOLLOWING PREHEARING
CONFERENCE

On September 22, 2014, a telephonic prehearing conference (PHC) was held before Administrative Law Judge (ALJ) Marian H. Tully, Office of Administrative Hearings (OAH). Elizabeth Eubanks, Attorney at Law, appeared on behalf of Student. Jonathon P. Read, Attorney at Law, appeared on behalf of Ontario-Montclair School District (District). The PHC was recorded.

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

1. Joint Request to Continue Mediation, PHC, and Due Process Hearing:
The mediation, PHC and due process hearing are continued on joint motion of the parties to agreed dates as follows:

Mediation:	October, 22, 2014, at 9:30 a.m.
PHC:	November 24, 2014, at 10:00 a.m.
Hearing:	December 3, 4, 8, 10, 2014, and continuing day to day, Monday through Thursday as needed at the discretion of the ALJ.

The mediation and the due process hearing shall take place at the West End SELPA offices located at 8265 Aspen Avenue, Suite 200, Rancho Cucamonga, California 91730. The hearing shall begin at 9:30 a.m. the first day of the hearing and at 9:00 a.m. all other days unless otherwise ordered.

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. 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.

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

IT IS SO ORDERED.

DATE: September 22, 2014

/s/
MARIAN H. TULLY
Administrative Law Judge
Office of Administrative Hearings