

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

v.

YUCAIPA-CALIMESA JOINT UNIFIED
SCHOOL DISTRICT, EAST VALLEY
SELPA.

OAH CASE NO. 2014090973

YUCAIPA-CALIMESA JOINT UNIFIED
SCHOOL DISTRICT, EAST VALLEY
SELPA,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2014090352

ORDER FOLLOWING PREHEARING
CONFERENCE

On November 3, 2014, a telephonic prehearing conference (PHC) was held before Administrative Law Judge (ALJ) Marian H. Tully, Office of Administrative Hearings (OAH). Non-Attorney Representative, Steven A. Figueroa, appeared on behalf of Student. Attorney Vivian E. Billups, appeared on behalf of Yucaipa-Calimesa Joint Unified School District (District) and East Valley SELPA (SELPA). The PHC was recorded.

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

1. Hearing Dates, Times, and Location. The due process hearing in this consolidated matter was initially set for November 10, 17, 18, and 19, 2014. On October 28, 2014, the Parties filed a stipulation to cancel the first day of hearing and asked that the hearing begin on November 17, 2014. On November 3, 2014, Student filed a PHC statement in which he requested OAH cancel all hearing dates on the grounds that Student intended to amend Student's complaint to state new issues arising after Student's complaint was filed. District and SELPA objected to a continuance beyond the dates agreed upon in the stipulation. OAH does not vacate scheduled agreed upon hearing dates pending the possibility that a party might file a request to amend the complaint. The Parties understood that, if Student files a request to amend his complaint and the request is granted, all dates in the consolidated matter would be vacated and new dates would be set. District and SELPA represented there would be no objection to a timely request to amend the complaint.

Accordingly, at the joint request of the Parties and for good cause, the PHC is continued to November 10, 2014, at 3:00 p.m. and the due process hearing is continued to November 17, 18, and 19, 2014, and continuing day to day, Monday through Thursday at the discretion of the ALJ. Student shall file a request to amend his complaint and a proposed amended complaint, if at all, on or before noon on November 6, 2014.

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. All other matters will be addressed at the PHC on November 10, 2014, at 3:00 p.m.

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.

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.

IT IS SO ORDERED.

DATE: November 03, 2014

/s/

MARIAN H. TULLY
Administrative Law Judge
Office of Administrative Hearings