

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2014071014

PREHEARING CONFERENCE ORDER
CONTINUING PREHEARING
CONFERENCE

On November 3, 2014, a telephonic prehearing conference was held before Administrative Law Judge Elsa H. Jones, Office of Administrative Hearings. Seymour I. Amster, Attorney at Law, appeared on behalf of Student and Parent (collectively, Student). Patrick Balucan, Assistant General Counsel, appeared on behalf of Los Angeles Unified School District. The PHC was recorded.

Based on discussion with the parties, the ALJ issues the following Order:

1. Continued PHC. The PHC is continued to November 7, 2014, at 1:00 p.m. OAH will initiate the conference call.

2. Motion to Amend Complaint/Proposed Amended Complaint: On October 30, 2014, Student filed a Motion to Amend his Request for Due Process (Complaint), accompanied by a Proposed Amended Complaint. The Motion requested leave to amend the Complaint to allege that District's change of Student's placement and failure to provide resources and services deprived Student of a free appropriate public education during the 2014-2015 school year. District's counsel was not aware of the filing of the Motion and the Proposed Amended Complaint, although it had been served on District. After discussion of the grounds for the Motion and the contents of the Proposed Amended Complaint, District did not oppose the Motion. However, District objected to the filing of the Proposed Amended Complaint on the grounds that it had numerous typographical errors.

Student is ordered to file another Motion and an accurate Proposed Amended Complaint by no later than 3:00 p.m. on November 6, 2014, so that the ALJ can consider them and rule upon the Motion at the continued PHC on November 7, 2014 at 1:00 p.m.

3. Hearing Dates. Granting of the Motion would require resetting of the timelines and the scheduling of new mediation, PHC, and due process hearing dates. Unless and until the Motion is granted, the currently scheduled hearing dates of November 17 through November 25, 2014, are confirmed.

4. 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 inform OAH of the settlement by telephone at (916) 263-0880.

IT IS SO ORDERED.

DATE: November 4, 2014

/s/

ELSA H. JONES
Administrative Law Judge
Office of Administrative Hearings