

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. 2014070488

ORDER FOLLOWING PREHEARING
CONFERENCE AND CONTINUING
PREHEARING CONFERENCE

On November 7, 2014, a telephonic prehearing conference (PHC) was held before Administrative Law Judge (ALJ) Laurie Gorsline, Office of Administrative Hearings (OAH). Parent appeared on behalf of Student. Christine Wood and Donald Erwin, Attorneys at Law, appeared on behalf of Los Angeles Unified School District (District). Spanish interpreter Victor Ramos translated the proceedings for Parent. The PHC was recorded.

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

1. Motion to Dismiss and Continuance of the PHC. On November 5, 2014, District filed a Motion to Dismiss Student's complaint on the grounds that Parent lacks standing to represent Student because Student turned 18 years old on September 10, 2014. District argues Parent has presented no evidence that Student transferred his educational rights to Parent. The District's motion was summarized for Parent at the PHC. Parent was informed that she was required to file appropriate documentation with OAH authorizing her to act on behalf Student. In order to give Parent an opportunity to file the required documentation with OAH, the telephonic PHC was continued to November 10, 2014 at 3:00 p.m. OAH will initiate the conference call.

2. Timely Disclosure of Witnesses/Exhibits. The parties shall comply with Education Code section 56505, subdivision (e)(7), which provides for disclosure of witnesses and exhibits "at least" five business days prior to the hearing.

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.

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

IT IS SO ORDERED.

DATE: November 7, 2014

/s/

LAURIE GORSLINE
Administrative Law Judge
Office of Administrative Hearings