

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

BUENA PARK SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2015010467

ORDER FOLLOWING PREHEARING
CONFERENCE

On February 9, 2015, Administrative Law Judge Marian H. Tully, Office of Administrative Hearings held a telephonic prehearing conference. Attorney Karen E. Gilyard appeared on behalf of Buena Park School District (District). Attorney Carolyn J. Olson appeared on behalf of Student. The PHC was recorded.

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

1. Hearing Dates, Times, and Location. Student filed notice of representation on February 4, 2015. On February 6, 2015, Student filed a first request for continuance. The parties agreed upon dates for mediation and the due process hearing during the PHC. The matter is continued for good cause as follows:

Mediation:	March 4, 2015, at 9:30 a.m.
Prehearing Conference:	March 9, 2015, at 10:00 a.m.
Due Process Hearing:	March 16, 17, 18, and 19, 2015, beginning at 1:30 p.m. the first day and 9:00 a.m. all other days, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

The mediation and due process hearing shall take place at the District's offices located at 6885 Orangethorpe Avenue, Buena Park, California, 90620. District shall provide a facility for the hearing that fully complies with the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.), the Rehabilitation Act of 1973 (29 U.S.C. § 794.), the Unruh Civil Rights Act (Civ. Code, § 51 et seq.), and all laws governing accessibility of government facilities to persons with disabilities.

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. Prehearing Conference Statements, Timely Disclosure of Witnesses/Exhibits. District timely filed a Prehearing Conference Statement, disclosed witnesses and exhibits, and complied with Education Code section 56505, subdivision (e)(7). In the event the matter does not settle on or before March 4, 2015, Student shall file a Prehearing Conference Statement, and disclose witnesses and exhibits, by noon on March 5, 2015. District may, but is not required to, amend District's Prehearing Conference Statement, witness and exhibit lists by noon on March 5, 2015. The parties shall serve their evidence binders on each other in compliance with Education Code section 56505, subdivision (e)(7). All other PHC matters will be discussed at the continued PHC.

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: February 06, 2015

/s/

MARIAN H. TULLY
Administrative Law Judge
Office of Administrative Hearings