

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. 2015050338

ORDER FOLLOWING PREHEARING
CONFERENCE, SETTING
MEDIATION DATE AND
CONTINUANCE OF PREHEARING
CONFERENCE AND DUE PROCESS
HEARING

On June 15, 2015, a telephonic prehearing conference was held before Administrative Law Judge Laurie Gorsline, Office of Administrative Hearings. Parent appeared on behalf of Student. Donald Erwin, Attorney at Law, appeared on behalf of Los Angeles Unified School District. Shari Robertson, District's Director of Litigation, was also present. ALJ Christine Arden observed the PHC. The PHC was recorded.

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

1. Motion to Continue Hearing and Prehearing Conference Dates. During the PHC, Parent requested a continuance of the due process hearing scheduled to begin on June 22, 2015 because Parent was in the process of obtaining counsel. District did not oppose Parent's request and there have been no prior continuances of the matter. The parties agreed to a continuance of the Prehearing Conference to August 14, 2015 at 10:00 a.m. and of the Due Process Hearing to August 24, 2015.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) Good cause having been shown, the PHC and Due Process Hearing were continued as follows:

Prehearing Conference: The telephonic PHC was continued to August 14, 2015 at 10:00 a.m. OAH will initiate the conference call. PHC statements shall be filed with OAH and served by the parties no later than three business days prior to August 14, 2015, in compliance with the May 12, 2015 Scheduling Order issued in this case.

Due Process Hearing: The hearing shall take place on August 24, 25, 26 and 27, 2015, and continue day to day, Monday through Thursday, as needed at the discretion of the ALJ. The hearing shall begin each day at 9:00 a.m. and end at 5:00 p.m. with the exception

of the first day of hearing, on which day the hearing shall begin at 1:30 p.m., unless otherwise ordered.

The hearing shall take place at the Office of Administrative Hearings located at 15350 Sherman Way, Suite 300, Van Nuys, CA 91406. 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. Request for Mediation. At the PHC, the parties also requested that the matter be scheduled for mediation and agreed upon the date and time of July 16, 2015 at 9:00 a.m. Accordingly, mediation in this matter shall be held on July 16, 2015 at 9:00 a.m. The mediation shall be held District’s offices located at 333 S. Beaudry Avenue, Los Angeles, CA 90017.

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: June 15, 2015

/s/

LAURIE GORSLINE
Administrative Law Judge
Office of Administrative Hearings