

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

VICTOR VALLEY UNION HIGH
SCHOOL DISTRICT, AND SAN
BERNARDINO COUNTY
SUPERINTENDENT OF SCHOOLS

OAH Case No. 2015110095

ORDER FOLLOWING STATUS
CONFERENCE AND ORDER
SETTING DATES FOR CONTINUED
HEARING

On April 25, 2016, a telephonic status conference was held before Administrative Law Judge Chris Butchko, Office of Administrative Hearings. Attorney Seshah G. Wolde-Tsadik appeared on behalf of Student. Attorney Vivian E. Billups appeared on behalf of Victor Valley Union High School District and San Bernardino County Superintendent of Schools. The status conference was recorded.

Based upon discussion with the parties, the ALJ issues the following order:

1. Independent Educational Assessors. The parties reported that they are working towards final selection of the assessors. They reported some difficulty in retaining assessors who met the cost and qualification requirements of District and County and who were available to conduct the assessments. District and County noted that contracts will have to be created with any independent assessor not already contracted to them. Assessors should be selected and confirmed no later than May 27, 2016. If any assessment role is not filled by that date, the parties shall prepare a joint statement setting forth the current status of the assessor selection process. OAH may then set a further status conference.

All assessors' reports are to be provided to both parties upon completion of the report. All assessments and reports are expected to be completed no later than August 1, 2016. Should any report not be received by that date, the parties shall inform OAH by means of a joint statement filed no later than August 5, 2016. The parties were reminded that all assessors must be available to testify in person at the continued hearing, barring other agreement between the parties.

2. Prehearing Conference. All terms of the Prehearing Conference Order of January 29, 2016, shall remain in effect. A further telephonic prehearing conference will be held at 3:00 p.m. on Friday, September 2, 2016, to discuss any new matters.

3. Hearing Dates, Times, and Location. The continued hearing shall take place on September 13 through 16, 2016, and continue day to day, Tuesday through Thursday, as

needed at the discretion of the Administrative Law Judge. The hearing shall begin at 9:30 a.m. the first day of the hearing and at 9:00 a.m. all other days, unless otherwise ordered. The hearing shall take place at District offices located at 16350 Mojave Drive, Victorville, California, 92392.

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 continued 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.

The 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.

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

IT IS SO ORDERED.

DATE: April 26, 2016

DocuSigned by:
Chris Butchko
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CHRIS BUTCHKO
Administrative Law Judge
Office of Administrative Hearings