

**BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA**

**IN THE MATTER OF:
PARENT ON BEHALF OF STUDENT,**

v.

**ALTA LOMA SCHOOL DISTRICT.
OAH CASE NUMBER 2017120979**

**ORDER FOLLOWING TRIAL SETTING CONFERENCE AND SETTING
DEADLINE FOR TRIAL BRIEFS ON REMAND ISSUES**

On September 6, 2019, Administrative Law Judge Sabrina Kong of the Office of Administrative hearings held a telephonic trial setting conference. The Administrative Law Judge will be referred to as ALJ. The Office of Administrative hearings will be referred to as OAH. The trial setting conference will be referred to as TSC.

Attorney Tania Whiteleather appeared on Student's behalf. Attorney Tiffany Santos and Jonathan Read appeared on Alta Loma School District's behalf. Alta Loma School District will be referred to as Alta Loma. The TSC was recorded. Based upon the discussion of the parties, the ALJ issues the following order.

The District Court's July 18, 2019 Findings of Facts, Conclusions of Law, and Judgment resulted in a partial remand to make a "limited determination" of whether Alta Loma's "unnecessary delay" in filing its due process complaint "affected Plaintiff's or his parents' substantive rights under the IDEA, and if so, what is the appropriate remedy

for Plaintiff's due process claim." (*L.C. v. Alta Loma School Dist.* (July 18, 2019, Case No.: 5:18-CV-01535-SVW-SHK), 2019 WL 3246505.)

Ms. Whiteleather requested that Student be allowed to submit a trial brief in addition to the trial setting conference briefs that the parties submitted in response to OAH's July 23, 2019 TSC scheduling order. Ms. Santos stated that OAH should not allow additional briefing. ALJ set a schedule to submit trial briefs as follows.

Student shall file with OAH and serve its trial brief addressing the issues on partial remand no later than 1:00 p.m. on September 13, 2019. Alta Loma shall file with OAH and serve its response trial brief no later than 1:00 p.m. on September 19, 2019. Each of the briefs shall be no longer than sixteen pages, double-spaced, twelve-point font, excluding the table of contents. Each party shall use at least one page to address the issue of whether a further evidentiary proceeding is needed and, if so, the legal authority and arguments for OAH to hold such a hearing on remand in this matter. At her discretion, the ALJ may request additional briefing, or rule after the parties' submission of their trial briefs.

Student's attorney informed OAH that she intends to seek remedies which included training for Alta Loma's staff, and payment for costs and attorney's fees incurred as a result of the District's Court's finding of Alta Loma's unreasonable delay. Student's attorney represented that the hearing record would not contain information on the remedies Student seeks on remand, and would address this in the trial brief. ALJ specifically requested that the parties cite all information from the hearing record, or otherwise, supporting Student's remedies request.

ORDER

Student shall file with OAH and serve the trial brief addressing the issues on partial remand no later than 1:00 p.m. on September 13, 2019.

Alta Loma shall file with OAH and serve its response trial brief on later than 1:00 p.m. on September 19, 2019.

Each of the briefs shall be no longer than sixteen pages each, double-spaced, twelve-point font, excluding the table of contents. Each party shall use at least one page to address the issue of whether a further evidentiary proceeding is needed.

DATED: September 9, 2019

DocuSigned by:
Sabrina Kong
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Sabrina Kong
Administrative Law Judge
Office of Administrative Hearings