

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:
PARENT ON BEHALF OF STUDENT,

and

SADDLEBACK VALLEY UNIFIED SCHOOL DISTRICT,
OAH CASE NUMBER 2023010055
OAH CASE NUMBER 2023010404

ORDER FOLLOWING PREHEARING CONFERENCE FOR
CONSOLIDATED HEARING BY VIDEOCONFERENCE

AUGUST 14, 2023

On August 11, 2023, Administrative Law Judge Laurie Gorsline, Office of Administrative Hearings, held a prehearing conference by videoconference. The Administrative Law Judge is called an ALJ. The Office of Administrative Hearings is called OAH. The prehearing conference is called a PHC.

Attorney Andrea Blair appeared on behalf of Student. Attorney Daniel Harbottle and Tracy Johnson appeared on behalf of Saddleback Valley Unified School District, called Saddleback Valley. Attorney Daniel Harbottle stated Attorney Johnson would be

handling the PHC and was excused just after the PHC began. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

HEARING DATES, TIMES, AND LOCATION

CONSOLIDATED DUE PROCESS HEARING

The consolidated hearing will take place on August 22 through 24, 2023, and continue day to day, including Monday through Friday, at the discretion of the ALJ. The hearing will begin at 9:30 AM each day and generally end at 3:30 PM, unless otherwise ordered. The parties anticipate it will take up to five days to complete the hearing. Additional hearing dates will be discussed with the ALJ during the hearing.

HEARING LOCATION

OAH is authorized to conduct due process hearings by videoconference or telephone. (Cal. Code Regs., tit. 5, § 3082, subd. (g).) OAH will conduct the due process hearing by videoconference using the Zoom application. Unless otherwise ordered, participants are required to appear by videoconference using computer or device with video capability and Zoom.

The parties must immediately notify all potential witnesses of the hearing dates and must subpoena witnesses, if necessary, to ensure that the witnesses will appear to testify. A party's failure to notify or subpoena a witness to testify will not be considered good cause to continue the hearing. Instructions for issuing and responding to subpoenas and optional forms for subpoenas can be found on the website at <https://www.dgs.ca.gov/OAH/Case-Types/Special-Education/Forms/Subpoenas?search=special%20education%20subpoena>.

ISSUES AND PROPOSED RESOLUTIONS

Unless otherwise ordered, the issues at the consolidated due process hearing, and proposed resolutions, as alleged in the complaint and clarified by the parties and the ALJ during the PHC, are stated below. A free appropriate public education is called a FAPE. An individualized education program is called an IEP. A party must immediately file a written request for relief if the issues as stated in this Order do not reflect their understanding of the issues clarified at the PHC or otherwise object to any stated issue. The ALJ may request further clarification of the issues on the first day of hearing.

PRE-HEARING BRIEFING

During the PHC, Student withdrew Issue 3 at pages 22 through 23 of the complaint and "services" from the scope of Issue 12 at pages 28 through 29. For clarity, of the record, the ALJ did not renumber Student's Issues 4 through 12.

Some of Student's issues appeared on their face to be barred by the statute of limitations. The ALJ announced a tentative ruling to dismiss the claims enumerated as Student's Issues No. 1 through 5 because they are barred by the statute of limitations. Student's counsel requested the opportunity to brief the issue. The effect of the tolling agreement on both parties' claims was also raised during the PHC.

During the PHC, Student's counsel was also unable to answer some of the ALJ's questions necessary to clarify some of the issues and asked for the opportunity to clarify the issues by way of further briefing. Student's counsel is admonished for failing to be sufficiently prepared to properly discuss the issues at the PHC. Saddleback Valley's counsel is also admonished for making a representation during the PHC at odds with its pleading, which representation its counsel then retracted. As a reminder, counsel

appearing at a PHC should be sufficiently familiar with their client's claims to discuss them.

The ALJ ordered the parties to file and serve briefs addressing the following matters: First, Student shall explain why the two-year statute of limitations does not bar Student's Issues 1, 2, 4 and 5. Second, Saddleback Valley shall brief the effect, if any, on Saddleback Valley Issue 14, including the timeliness of the filing of its complaint in the event the ALJ determines that the parties cannot extend the statute of limitations by a tolling agreement. Third, for all of Student's issues where applicable, Student shall clarify the issues in Student's complaint pursuant to the discussion during the PHC as reflected on the record, including the following:

- For each claim/IEP regarding goals: Identify which, if any, of the IEP offered goals Student is challenging and why, and which goal areas identified in each sub-issue A, concern goals that were not offered.
- For each claim/IEP regarding services: Identify which, if any, of the IEP offered services Student is challenging and why; clarify which services were not offered, and for each service, state what goal area from the goal list in sub-issue A, it concerns.
- For each claim/IEP regarding accommodations: Identify which, if any, of the IEP offered accommodations Student is challenging and why; clarify which, if any, accommodations were not offered, and for each accommodation, state which services/goal area from the list in sub-issues A and B, it concerns.
- For each claim/IEP regarding placement: Clarify Student's contention as to how the placement was inappropriate to provide each of the services in each sub-issue B.

- Regarding Issue 2: Identify which part of the placement, which services and which accommodations were not implemented and for each, during what period. Student shall also clarify what part of the placement, which services and which accommodations, if any, were not implemented between January 4, 2021 and January 25, 2021.
- Regarding Issues 11 and 13: Clarify what is meant by intensive interventions.
- For each issue identifying both communication and pragmatics as goal and service areas not appropriately addressed, clarify whether communication refers only to pragmatics, and if not, what is meant by communication other than pragmatics.
- For each issue identifying both sensory processing and occupational therapy as goal and service areas not appropriately addressed, clarify whether occupational therapy refers only to sensory processing, and if not, what is meant by occupational therapy other than sensory processing.
- Regarding Issues 7 and 9: Clarify the type of aide support and the accommodations to address aide support Student contends were not offered.
- Regarding Issues 7 and 9: Clarify the type of assistive technology services and the accommodations to address assistive technology Student contends were not offered.

Student shall also specify where in the complaint, by page and line number, the information provided is alleged.

The briefs must be filed and served no later than 5:00 PM on August 16, 2023. Upon receipt of the briefs, the ALJ may issue further orders prior to the first day of hearing.

without further argument by the parties. However, on the first day of hearing the parties should be prepared to discuss their respective claims, and the matters on which the ALJ ordered briefing.

STUDENT'S ISSUES

1. Did Saddleback Valley deny Student a FAPE, by failing to send Parents a prior written notice in compliance with and addressing the specific requirements of 34 Code of Federal Regulations part 300.503 in response to the closures related to the COVID-19 pandemic, beginning March 13, 2020, specifically?
 - A. In the prior written notice dated March 20, 2020?
 - B. In the prior written notice dated April 3, 2020?
 - C. Failing to provide prior written notice when it determined school would not return to in-person instruction on May 4, 2020?
 - D. In the prior written notice dated May 15, 2020?
 - E. In the prior written notice dated August 13, 2020?
2. Did Saddleback Valley deny Student a FAPE by failing to implement Student's October 8, 2019 IEP, as amended on November 4, 2019 and December 16, 2019, during the COVID-19 pandemic, between March 13, 2020 and January 25, 2021, specifically:
 - A. Placement?
 - B. Services?
 - C. Accommodations?
4. Did Saddleback Valley deny Student a FAPE by failing to make an appropriate offer in the October 6, 2020 IEP, specifically by failing to offer:
 - A. Goals to appropriately address Student's needs in:
 - i. reading?

- ii. writing?
 - iii. mathematics?
 - iv. communication?
 - v. pragmatics?
 - vi. auditory processing?
 - vii. sensory processing?
 - viii. occupational therapy?
 - ix. attention?
 - x. working memory?
 - xi. executive functioning?
 - B. Services to appropriately address the goals in Issue 4A?
 - C. Accommodations to appropriately address the goals and services identified in Issues 4A and 4B?
 - D. Placement appropriate to provide the services identified in Issue 4B?
5. Did Saddleback Valley deny Student a FAPE by failing to file for due process when Parents did not consent to the October 6, 2020 IEP?
6. Did Saddleback Valley deny Student a FAPE by failing to make an appropriate offer in the January 5, 2021 IEP, specifically by failing to offer:
- A. Goals to appropriately address Student's needs in:
 - i. reading?
 - ii. writing?
 - iii. mathematics?
 - iv. communication?
 - v. pragmatics?
 - vi. auditory processing?

- vii. sensory processing?
 - viii. occupational therapy?
 - ix. attention?
 - x. working memory?
 - xi. executive functioning?
 - B. Services to appropriately address the goals identified in Issue 6A?
 - C. Accommodations to appropriately address the goals and services identified in Issues 6A and 6B?
 - D. Placement appropriate to provide the services identified in Issue 6B?
- 7. Did Saddleback Valley deny Student a FAPE by failing to make an appropriate offer in the IEP developed on October 5, November 10, and November 30, 2021, specifically by failing to offer:
 - A. Goals to appropriately address:
 - i. listening comprehension?
 - ii. auditory processing?
 - iii. sensory processing?
 - iv. reading?
 - v. mathematics?
 - vi. written expression?
 - vii. attention?
 - viii. executive functioning?
 - ix. working memory?
 - x. stuttering?
 - xi. speech and language?
 - xii. developmental optometry?

- xiii. occupational therapy?
 - B. Services, specifically:
 - i. to appropriately address the goals identified in Issue 7A?
 - ii. aide support?
 - iii. assistive technology?
 - C. Accommodations, specifically:
 - i. to appropriately address the goals and services identified at Issues 7A and 7Bi?
 - ii. to appropriately address aide support services?
 - iii. to appropriately address assistive technology services?
 - D. Placement appropriate to provide the services identified in Issue 7B?
 - E. Changing Student's primary eligibility category to intellectual disability?
- 8. Did Saddleback Valley deny Student a FAPE by failing to file for due process when Parents did not consent to the IEP developed on October 5, November 10, and November 30, 2021?
- 9. Did Saddleback Valley deny Student a FAPE by failing to make an appropriate offer in the January 10, 2022 IEP, by failing to offer:
 - A. Goals to appropriately address Student's needs in:
 - i. listening comprehension?
 - ii. auditory processing?
 - iii. sensory processing?
 - iv. reading?
 - v. mathematics?
 - vi. written expression?

- vii. executive functioning?
- viii. attention?
- ix. working memory?
- x. stuttering?
- xi. speech and language?
- xii. developmental optometry?
- xiii. occupational therapy?

B. Services, specifically:

- i. to appropriately address the goals identified in Issue 9A?
- ii. aide support?
- iii. assistive technology?

C. Accommodations to appropriately address:

- i. the goals and services identified in Issue 9A and 9Bi?
- ii. aide support services?
- iii. assistive technology services?

D. Placement appropriate to provide the services identified at Issue 9B?

10. Did Saddleback Valley deny Student a FAPE by failing to file for due process when Parents did not consent to the January 10, 2022 IEP?

11. Did Saddleback Valley deny Student a FAPE in the September 28, 2022 IEP, specifically by failing to offer:

A. Goals to address Student's needs in:

- i. reading?
- ii. writing?
- iii. mathematics?
- iv. communication?

- v. pragmatics?
 - vi. auditory processing?
 - vii. sensory processing?
 - viii. occupational therapy?
 - ix. attention?
 - x. working memory?
 - xi. executive functioning?
- B. Services, specifically:
- i. to address the goals identified at Issue 11A?
 - ii. intensive individualized instruction to make meaningful academic progress?
- C. Accommodations to appropriately address the goals and services in Issues 11A and 11B?
- D. Placement in an appropriately ambitious program to provide the services identified at Issue 11B?
12. Did the District deny Student a FAPE by failing to consider the continuum of placements during the September 28, 2022 IEP?
13. Did the District deny Student a FAPE by failing to make an appropriate offer in the December 8, 2022 IEP, specifically by failing to offer:
- A. Goals to appropriately address Student's needs in:
- i. reading?
 - ii. writing?
 - iii. mathematics?
 - iv. communication?
 - v. pragmatics?
 - vi. auditory processing?

- vii. sensory processing?
 - viii. occupational therapy?
 - ix. attention?
 - x. working memory?
 - xi. executive functioning?
- B. Services, specifically:
- i. to appropriately address the goals identified at Issue 13A?
 - ii. intensive interventions?
- C. Accommodations to appropriately address the goals and services identified at Issues 13A and 13B?
- D. Placement in an appropriately ambitious program to provide the services identified at Issue 13A?

SADDLEBACK VALLEY'S ISSUE

14. Was Saddleback Valley's 2021 psychoeducational, speech and language, and occupational therapy assessments and the November 2021 multidisciplinary assessment report pertaining to those assessments appropriate such that Parents are not entitled to independent educational evaluations in the areas of psychoeducation, speech and language, occupational therapy, assistive technology, developmental optometry, and audiology?

PROPOSED RESOLUTIONS

The resolutions requested by Student include reimbursement to Parents for educationally related expenses, compensatory education, and placement in a nonpublic school with transportation. Saddleback Valley requests a finding that its 2021 assessments and multidisciplinary assessment report were appropriate such that Parents

are not entitled to independent educational evaluations in the areas of psychoeducation, speech and language, occupational therapy, assistive technology, developmental optometry, and audiology?

Saddleback Valley filed its response to Student's complaint on January 18, 2023. (*M.C. v. Antelope Valley Union High School Dist.* (9th Cir. 2017) 858 F.3d 1189, 1199-1200.)

EXHIBITS

The parties must serve their exhibits on each other in compliance with Education Code section 56505, subdivision (e)(7). The parties must upload their exhibits electronically according to the Order Setting Procedures for Filing Exhibits Electronically. Timely uploading electronic hearing exhibits five business days before the first day of hearing constitutes that party's timely exchange of evidence in compliance with Education Code section 56505, subdivision (e)(7). If further assistance is needed, please contact OAH at OAHSEOps@dgs.ca.gov.

Except for good cause shown, or unless used solely for rebuttal or impeachment, any exhibit not timely exchanged as required by Education Code section 56505, subdivision (e)(7) will not be admitted into evidence at the hearing unless the ALJ rules that it is admissible.

IDENTIFYING EXHIBITS AND PAGE NUMBERS

Each exhibit must be identified by a letter and number. Student must use the letter S before the number to identify Student's exhibits. Saddleback Valley must use the letter D before the number to identify Saddleback Valley's exhibits. For example, S-1 means Student's exhibit 1 and D-1 means Saddleback Valley's exhibit 1. A cover sheet

with this identifying letter and number should be the first page of each exhibit. The electronic evidence program will automatically number the exhibits and additional page numbering or bates stamping should not be added.

CONTENT

Each exhibit must consist of one document. Separate documents may not be combined into one exhibit. Emails or letters may be consolidated into one exhibit if they are part of a single chain of messages. Exhibits should be in chronological order.

Parties should include resumes or curriculum vitae for each witness expected to testify as an expert.

Saddleback Valley's exhibits must include a copy of the school calendar for each school year in question, including extended school years.

Electronic copies of exhibits filed with OAH must be filed by 5:00 PM at least five business days before the first day of hearing. Please refer to the General Order OAH issued with the Scheduling Order that contains the Order Setting Procedures for Filing Exhibits Electronically. It includes instructions for how to file exhibits electronically. Beginning three business days before the hearing, the electronic evidence system will not allow parties to upload exhibits unless permitted by the ALJ during the hearing at the ALJ's discretion.

WITNESSES

The parties must serve their list of witnesses on each other in compliance with Education Code section 56505. No party will be permitted to call any witnesses not timely disclosed except for good cause shown, supported by written declaration under penalty of perjury, and at the discretion of the ALJ.

Parties are responsible for ensuring that all participants are familiar with and follow the Instructions for Joining the Online Due Process Hearing provided with this Order. Participants who have not previously used the Zoom application, may find informative instructions on at by visiting, Getting Started with Zoom at <https://support.zoom.us/hc/en-us/categories/200101697>.

The parties are responsible for ensuring that witnesses join the virtual hearing room at the designated date and time to testify. Witnesses are required to join the due process hearing by computer and appear by videoconference unless they do not have the necessary computer equipment. If a witness does not have the necessary equipment, the ALJ may permit the witnesses to appear by audio only or by telephone. Audio only means using a computer without video. A witness's inability to attend the hearing by videoconference will be discussed at the start of the hearing.

The parties are responsible for producing their own witnesses unless otherwise ordered by the ALJ. Parties must make witnesses under their control reasonably available. The parties must schedule their witnesses to avoid delays in the hearing and to minimize or eliminate the need for calling witnesses out of order.

The ALJ has discretion to limit the number of witnesses and the time allowed for testimony. Education Code, section 56505.1, subdivision (h), empowers the ALJ to set a reasonable limit on the length of the hearing after consideration of four factors. The first two factors are the issues to be heard and the complexity of facts to be proven. The second two factors are the ability of the parties or their representatives to present their respective cases and the parties' estimates of the time needed to present their cases.

MEET AND CONFER

The parties are encouraged to review and shorten their witness and exhibit lists before the hearing. Evidence may be excluded if it is repetitive, cumulative, or insufficiently probative to justify the time it would take to hear.

The parties are ordered to meet and confer no later than 4:00 PM on August 16, 2023, to discuss scheduling witnesses and how much time each witness will take. The parties must discuss any issues related to counsel and witnesses appearing by videoconference for hearing, electronically viewing exhibits during the hearing, and subpoenas, if any. The parties should attempt to eliminate duplicate exhibits from their hearing exhibits. The parties must discuss whether they can produce a written stipulation as to pertinent facts, contentions, resolutions and the authenticity and admissibility of documents to shorten the length of time needed for the hearing.

As part of the meet and confer process, Saddleback Valley must inform Student which proposed witnesses are Saddleback Valley employees. Saddleback Valley must also identify the witnesses on Student's list that require a subpoena. Saddleback Valley may agree to accept service for a witness under Saddleback Valley's control or provide Student with the witness's most recent contact information.

Any contact information provided must be used for the limited purpose of issuing subpoenas or for contacting a witness to attend the hearing. Any contact information must not be disclosed to any other person.

PARTICIPANT INFORMATION FORM

Both parties have an ongoing obligation to ensure that OAH has current information on the Participant Information Form filed with OAH and must file an

updated form as necessary. The Participant Information Form is not served upon the opposing party. The ongoing obligation to ensure that the Participant Information Form filed with OAH is current does not change the parties' statutory obligation to timely disclose their witnesses to the other party at least five business days prior to hearing. The parties must file an updated Participant Information Form to inform OAH of any changes, additions, or deletions, including the required information no later than 5:00 PM at least two business days before the first day of hearing.

EVIDENCE PRESENTATION

In an administrative proceeding, the burden of proof is ordinarily on the party requesting the hearing. (*Schaffer v. Weast* (2005) 546 U.S. 49, 62.) In these consolidated cases, Student bears the burden of proof on Student's issues, and Saddleback Valley bears the burden of proof on Saddleback Valley's issue. Student's case-in-chief will be presented first, followed by Saddleback Valley, unless otherwise ordered.

WITNESS LISTS

The parties must provide a joint proposed witness list to the ALJ on the first day of hearing. The list should include the first and last name of the witness, which party is calling the witness to testify, and include dates and time estimates of each witness's expected testimony. In the event an agreement cannot be reached, each party must prepare a separate written list. The parties must have witnesses available in case there is no agreement.

At the beginning of the hearing, the ALJ and the parties will discuss the length of time anticipated for each witness and scheduling issues for individual witnesses. The ALJ will finalize the witness schedule. Parties must be prepared at the end of each day

to discuss the witnesses to be presented the next day and the estimated time for the testimony of each witness.

SCOPE OF WITNESS EXAMINATION

Each witness will be called to testify only once, except for rebuttal purposes. All parties must examine a witness on all issues when the witness is first called to testify. Requiring a witness to appear only once takes priority over the order in which parties present their case-in-chief.

AUDIO ONLY OR TELEPHONIC TESTIMONY

Whether a witness may appear by audio only or telephone instead of videoconference is a matter within the discretion of the ALJ. (Cal. Code Regs., tit. 5, § 3082, subd. (g).) Any party seeking to present a witness by audio only or telephone must request permission to do so before the hearing. Any party seeking to present a witness who cannot access exhibits electronically must inform the ALJ at the beginning of the hearing.

ELECTRONIC RECORDINGS

AUDIO RECORDING

A party may request permission to make an audio recording of the hearing. Permission to make an audio recording is subject to the ALJ's discretion and based upon the following conditions:

1. the OAH recording is the only official recording;

2. the parties must turn their recording device on and off at the same time that the ALJ is on and off the record to avoid recording conversations while off the record;
3. operation of the party's recording mechanism will not be allowed to delay the hearing;
4. a party's recording may not be given, provided or played to a witness, or potential witness;
5. the recording is subject to the same confidentiality as the due process hearing; and
6. participants must not take screenshots of the videoconference nor share or publish any portion of the videoconference or audio recording.

Student's and District's requests to make an audio recording of the hearing is granted.

VIDEO RECORDING

No party, witness or anyone else may videorecord any part of the proceedings or stream live through any means.

RECORDINGS AS EXHIBITS

Recordings may not be uploaded electronically without the ALJ's permission. The ALJ has discretion to admit or exclude evidence in the form of a recording. Any request to submit a recording will be considered at the time of hearing.

The ALJ may grant or deny the request or grant the request subject to certain conditions. The party offering the recording must establish that all or a part of the recording is relevant. The ALJ may request a transcript of the portion of the recording requested or have the party offering the recording to provide an exact identifiable

portion of the recording the party seeks to admit. The identities of any person speaking on the portion of the tape being introduced must be established. An ALJ may allow the opposing party to offer additional portions of a recording to establish the context, or to rebut, the recording.

COMPENSATORY EDUCATION OR REIMBURSEMENT

Any party seeking reimbursement for expenditures will present admissible evidence of these expenditures, or a stipulation to the amount of the expenditures. A party seeking compensatory education should provide evidence regarding the type, amount, duration, and need for any requested compensatory education. Documents offered as evidence to support a request for reimbursement must be separated by vendor.

MOTIONS

The parties may make a motion to continue the hearing because of another hearing scheduled to begin on August 16, .2023.

No other prehearing motions are pending or contemplated. Any motion that was not filed three business days before the PHC must be supported by a declaration under penalty of perjury establishing good cause why the motion was not timely filed.

STIPULATIONS

Stipulations to pertinent facts, contentions, resolutions and authenticity and admissibility of documents are encouraged. Any proposed stipulation must be submitted to the assigned ALJ in writing prior to the start of the hearing.

CONDUCT OF PARTICIPANTS AND HEARING ROOM DECORUM

All participants to the videoconference should observe the same decorum as in an in-person due process hearing. Participants must conduct themselves in a professional and courteous manner at all times. Cellular phones, telephones and computer notifications must be shut off or set to silent during the hearing unless the ALJ grants permission otherwise. Participants should appear from a private location, unless otherwise ordered. Participants should take reasonable efforts to minimize background noise and maintain adequate room lighting. Use of virtual background images are at the discretion of the ALJ. Witnesses are prohibited from reading exhibits, documents, notes, text messages, telephones or computers while testifying, unless permitted to do so by the ALJ. The parties, their representative and witnesses are prohibited from passing notes to, exchanging electronic messages with, or signaling the witness in any way while the witness is testifying.

LANGUAGE INTERPRETERS AND REASONABLE ACCOMMODATIONS

Neither party requested an accommodation or interpreter. A party or participant in this case, such as a witness, requiring reasonable accommodation to participate in a mediation or hearing may contact OAH at (916) 263-0880, or send an email to OAHADA@dgs.ca.gov as soon as the need is known. The e-mail should have the words Request for Accommodation in the subject line. Additional information concerning requests for reasonable accommodation is available on OAH's website at: <https://www.dgs.ca.gov/OAH/Services/Page-Content/Office-of-Administrative-Hearings-Services-List-Folder/Request-Reasonable-Accommodations-for-OAH-Legal-Proceedings>.

HEARING CLOSED TO THE PUBLIC

The hearing is closed to the public. Special education hearings are closed to the public unless Student requests the hearing to be open to the public.

SETTLEMENT

The parties are encouraged to continue working together to reach an agreement before the due process hearing. The parties must inform OAH in writing immediately if 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 must also inform OAH of the settlement by telephone at (916) 263-0880. At the same time, the parties should send the signature page of the signed agreement or a letter withdrawing the case to OAH by visiting OAH Secure e-file at <https://www.applications.dgs.ca.gov/oah/oahsftweb>.

If a full and final written settlement agreement is reached after 4:00 PM the day prior to hearing, the parties must 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.

Dates for hearing will not be cancelled until the letter of withdrawal or signature page of the signed agreement has been received and processed 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 before the hearing.

If the matter settles subject to board approval, in addition to a signed copy of the signature page of the settlement agreement, the parties must provide the date of the next board meeting. The hearing dates will not be cancelled without this information.

FAILURE TO COMPLY

The failure to comply with this Order may result in the exclusion of evidence or other sanctions.

ORDER INCLUDES ALL RULINGS

This Order includes all rulings made at the prehearing conference. Any discussion and conversation not referenced in this Order is not binding on the ALJ conducting the hearing and may not be relied upon by the parties. The parties should be aware that, at hearing, the ALJ conducting the hearing has discretion to reconsider any part of this Order.

IT IS SO ORDERED.



Laurie Gorsline

Administrative Law Judge

Office of Administrative Hearings