

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

RIVERSIDE UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2024070255

OAH CASE NUMBER 2024050948

ORDER FOLLOWING PREHEARING CONFERENCE;
GRANTING RIVERSIDE'S MOTION TO AMEND; AND
ORDERING A MEET AND CONFER AND PRODUCTION OF
EDUCATIONAL RECORDS

SEPTEMBER 27, 2024

On September 27, 2024, Administrative Law Judge Alexa Hohensee, 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 Leejanice Toback appeared on behalf of Student. Attorney Jack Clarke appeared on behalf of Riverside Unified School District, called Riverside. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

MOTION TO AMEND

On May 28, 2024, Riverside Unified School District filed with OAH a request for due process hearing, called a complaint, in OAH case number 2024050948, naming Student.

On July 8, 2024, Student filed a complaint in OAH case number 2024070255, naming Riverside. On August 13, 2024, the two cases were consolidated for hearing, and set the due process hearing in the consolidated matter to begin on October 8, 2024.

On September 27, 2024, Riverside filed a motion to amend its complaint and an amended complaint. At the PHC, Student had no opposition to the motion to amend.

An amended complaint may be filed when the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or when the hearing officer grants permission. The hearing officer may grant permission at any time more than five days before the due process hearing. (20 U.S.C. § 1415(c)(2)(E)(i).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. § 1415(c)(2)(E)(ii).)

The motion to amend was filed less than three business days prior to the PHC, but the declaration of Riverside's attorney established good cause for the delay and the motion was unopposed.

The motion to amend was filed more than five days prior to the due process hearing. Therefore, it is timely and is granted. The amended complaint shall be deemed

filed on the date of this order. All applicable timelines in this consolidated matter will be reset as of the date of this order. OAH will issue a scheduling order with the new dates.

MEET AND CONFER

Student's attorney stated at the PHC that Riverside's recent response to Parent's request for educational records was presented in a disorganized manner, with incomplete documents, documents upside down and incapable of being rotated, pages of documents spread throughout the response rather than all pages of each document being together, and documents not being sorted into reasonable categories. The parties are ordered to meet and confer within five business days of this order to discuss Student's problems with production and Riverside's obligation to reasonably respond to Parent's request for educational records. On or before October 11, 2024, Riverside must respond to Parent's recent request for educational records by providing those records in a readable format with reasonable organization. Production of documents electronically is sufficient, unless the parties agree otherwise.

Also, at the PHC, Student was informed by the ALJ that although the issues in Student's complaint may be clarified at the PHC, issues for hearing cannot be added or expanded without an amendment to Student's complaint.

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](https://www.applications.dgs.ca.gov/oah/oahsftweb) 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.

Alexa Hohensee

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Administrative Law Judge

Office of Administrative Hearings