BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. CAPISTRANO UNIFIED SCHOOL DISTRICT.	OAH Case No. 2016110441 ORDER FOLLOWING STATUS CONFERENCE REGARDING REMAND FROM DISTRICT COURT

On November 16, 2018, a telephonic status conference was held before Administrative Law Judge Judith L. Pasewark, Office of Administrative Hearings. Phillip Van Allsberg, Attorney at Law, appeared on behalf of Student. Ernest Bell, Attorney at Law, appeared on behalf of Capistrano Unified School District.

On October 30, 2018, the U.S. District Court, Central District of California issued judgment on Student's appeal of the administrative law decision, which remanded the administrative law decision for further determination of reimbursement of Student's transportation costs, based upon the findings of the ALJ. Based upon discussion with the parties, the ALJ issues the following order:

1. Stipulation of the Parties and Submission of Briefs: Based upon the stipulation of the parties, no additional evidentiary hearing shall be scheduled on this matter. In lieu of hearing decision shall be made pursuant to the submission of Remand Hearing Briefs.

2. Remand Hearing Briefs: On or before close of business on January 7, 2019, each party shall file a Remand Hearing Brief which shall include a statement of law, all necessary declarations, the required documentation, and argument to support their contentions regarding reimbursement of transportation expenses. The parties shall meet and confer to determine the documentation necessary to comply with the District Court judgment, and submit one set of documents to the ALJ, along with their briefs.

The evidence binder shall be provided by Student and shall include the following:

1) Copy of District Court judgment;
2) School attendance records to support request for reimbursement;
3) Documentation of actual mileage for one round trip between Student's home and school; and
4) Documentation of rate of mileage reimbursement sought.

District may submit additional documents, if a controversy remains regarding the documents submitted by Student.

Responses or opposition to Remand Hearing Briefs are discouraged, but may be submitted to OAH no later than close of business on January 11, 2019.

3. Settlement. The parties have been informed that ALJ Pasewark shall be on medical leave as of December 1, 2018, and is not scheduled to return to work until mid-March 2019, therefore no decision on remand shall be issued prior to her return to work. The parties are encouraged to continue working together to reach an agreement. The parties shall inform OAH in writing immediately should they reach a settlement or otherwise resolve the dispute.

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

IT IS SO ORDERED.

DATE: November 16, 2018

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Judith Pasewark
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JUDITH PASEWARK
Administrative Law Judge
Office of Administrative Hearings