BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
CLOVIS UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2014010199
v.	ORDER FOLLOWING PREHEARING CONFERENCE; AND ORDER SETTING DUE PROCESS HEARING SCHEDULE
STUDENT.	

On March 3, 2014, a telephonic prehearing conference (PHC) was held before Administrative Law Judge (ALJ) Joy Redmon, Office of Administrative Hearings (OAH). Karen E. Samman, Attorney at Law, appeared on behalf of the Clovis Unified School District (Clovis). Laurene Bresnick, Attorney at Law, appeared on behalf of Student.[1] The PHC was recorded. Based on discussion with the parties, the ALJ issues the following order:

1. Hearing Dates, Times, and Location. The hearing in this matter shall be submitted on the written record. The parties jointly requested to submit the following: a stipulated fact statement; a joint evidence binder; and simultaneous closing briefs. The ALJ granted the parties' request and orders the documents to be submitted to OAH by the close of business on Friday, March 21, 2014. The parties waived their right to present witnesses and participate in an in-person hearing. If, after receiving the documents submitted by the parties, the ALJ determines that the record needs to be reopened to obtain additional information, clarification, or witness testimony, a telephone conference with the parties will be scheduled.

2. Issues and Proposed Resolutions. The issue presented for hearing and the proposed resolution is as follows:

> **ISSUE:** Was the Student legally exited from special education due to her receipt of a certificate of proficiency such that she is no longer eligible for special education?
>
> **PROPOSED RESOLUTION**: As a proposed resolution, Clovis seeks an order from OAH finding that Student was legally exited and is no longer eligible for special education.

After a discussion of the issue, Clovis requested the ALJ include the description in the issue that a certificate of proficiency is the equivalent of a high school diploma. The ALJ

[1] Student is over eighteen years old; however, Ms. Bresnick indicated that Student has transferred her educational rights to her parents. Clovis did not dispute this contention.

declined to include that description finding that the requested statement is a legal conclusion that will be analyzed in the decision. Clovis' objection was noted for the record.

3. Motions. Other than as may be included herein, no pretrial motions are pending. Any motion filed after this date shall be supported by a declaration under penalty of perjury establishing good cause as to why the motion was not made prior to or during the prehearing conference of March 3, 2014.

4. Settlement. The parties are encouraged to continue working together to reach an agreement before the matter is submitted. If the parties believe a mediator may assist them in settlement negotiations, they should submit a request for mediation as soon as possible. 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 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 THE PARTIES SHOULD SIMULATANEOUSLY 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.

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

IT IS SO ORDERED.

DATE: March 4, 2014

/s/

JOY REDMON
Administrative Law Judge
Office of Administrative Hearings