BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS OF:

PARENT ON BEHALF OF STUDENT,

v.

BAKERSFIELD CITY SCHOOL DISTRICT,

OAH CASE NUMBER 2019120777

and

BAKERSFIELD CITY SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT,

OAH CASE NUMBER 2020010042

ORDER FOLLOWING PREHEARING CONFERENCE, GRANTING MOTION TO AMEND, AND DENYING MOTIONS IN LIMINE

FEBRUARY 3, 2020

On February 3, 2020 Administrative Law Judge Adrienne L. Krikorian, Office of Administrative Hearings, held a telephonic prehearing conference. The Administrative Law Judge is called an ALJ. The Office of Administrative Hearings is called OAH. A prehearing conference is called a PHC.

Attorneys Gabriella Torres and Andria Seo appeared on behalf of Student. Attorney Kidd Crawford appeared on behalf of Bakersfield City School District. The hearing was recorded. The ALJ makes the following orders.

MOTION TO AMEND

On February 3, 2020, Student filed a motion to amend the complaint and an amended complaint. The matter is scheduled for hearing on February 11, 12, and 13, 2020. The motion was filed more than five days before the hearing. Bakersfield City's counsel represented on the record that Bakersfield City did not oppose the amendment.

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).)

OAH has received consent on the record to the amendment. Therefore, it is timely and is granted. The amended complaint shall be deemed filed on the date of this order. All applicable timelines shall be reset as of the date of this order.

The amended complaint raises issues that require an expedited hearing under title 20 United States Code section 1415(k). Therefore, OAH will issue a dual scheduling order with the new dates for expedited and non-expedited hearings for the consolidated matter.

MOTIONS IN LIMINE

Bakersfield City filed Motions in Limine on January 29, 2020, relating to the original complaint. Because the motion to amend was granted, the motions are denied as moot.

SETTLEMENT

The parties are encouraged to continue working together to reach an agreement before the due process hearing. The parties shall 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 shall 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 at https://www.applications.dgs.ca.gov/oah/oahsftweb.

If a full and final written settlement agreement is reached after 4:00 p.m. the day prior to hearing, the parties shall 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 shall provide the date of the next board meeting. The hearing dates will not be cancelled without this information.

If the parties settle the expedited claims subject to board approval, OAH will not vacate the expedited hearing dates unless Student withdraws the expedited issues.

FAILURE TO COMPLY

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

IT IS SO ORDERED.

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Adrienne L. Krikorian
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Adrienne L. Krikorian

Administrative Law Judge

Office of Administrative Hearings