BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2019041183
v.	ORDER FOLLOWING PREHEARING CONFERENCE, GRANTING REQUEST FOR MEDIATION AND CONTINUANCE, AND SETTING MEDIATION, PREHEARING CONFERENCE AND DUE PROCESS HEARING
LOMPOC UNIFIED SCHOOL DISTRICT.	

On June 13, 2019, Administrative Law Judge Adrienne L. Krikorian, Office of Administrative Hearings held a telephonic prehearing conference. Attorney Andréa Marcus and paralegal Natalie Cummings appeared on Student's behalf. Attorney Sarah Garcia appeared on behalf of Lompoc Unified School District. The PHC was recorded. Based upon discussion with the parties, the ALJ makes the following orders.

1. Hearing Dates, Times, and Location. On April 29, 2019, OAH issued a Scheduling Order setting this matter for hearing on June 25, 26, and 27, 2019. On June 11, 2019, Lompoc timely filed a motion to continue the hearing dates. Lompoc's counsel asserted, among other reasons, that she was unavailable on the originally scheduled hearing dates due to a prepaid vacation. Student filed an opposition to the motion on June 13, 2019. At the PHC, counsel for the parties argued their respective positions on continuance.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.)

The ALJ determined that good cause exists for a continuance of the hearing dates based on all relevant facts and circumstances. After a discussion with the parties regarding hearing dates and their desire to mediate, the matter was continued based upon the parties' agreement to the following dates and times.

Mediation will take place on June 21, 2019, 9:30 a.m. to 4:30 p.m. at Lompoc's offices located at Lompoc Unified School District, 1301 North A Street, Lompoc, California 93438.

The telephonic prehearing conference is continued to July 8, 2019, at 1:00 p.m. The parties are not required to file new PHC unless circumstances change. The parties shall file all prehearing motions no later than three business days before the prehearing conference. Any party that files a motion later than three business days before the PHC shall accompanying the motion with a declaration establishing good cause for the late filing. All remaining PHC issues will be discussed at the continued PHC.

The due process hearing shall take place on July 16, 17, 18, 2019, and continuing day to day, at the discretion of the ALJ. The hearing shall begin at 9:30 a.m. the first day of the hearing and at 9:00 a.m. all other days, unless otherwise ordered. The hearing shall take place at Lompoc Unified School District, 1301 North A Street, Lompoc, California 93438.

The parties shall immediately notify all potential witnesses of the hearing dates, and shall subpoena witnesses if necessary, to ensure that the witnesses will be available to testify. A witness will not be regarded as unavailable for purposes of showing good cause to continue the hearing if the witness is not properly notified of the hearing date or properly subpoenaed, as applicable.

2. Facility Certification. As ordered in the scheduling order, the named local educational agency shall provide a facility for the hearing that fully complies with the Americans with Disabilities Act of 1990 (42 U.S.C.A. § 12101 et seq.), the Rehabilitation Act of 1973 (29 U.S.C. § 794 et seq.), the Unruh Civil Rights Act (Civ. Code, § 51 et seq.), and all laws governing accessibility of government facilities to persons with disabilities. **The named local educational agency failed to file a signed certification. Lompoc is ordered to file no later than June 18, 2019, a certification signed under penalty of perjury that it will provide a facility that complies with the law.**

3. 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 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 AFTER 5:00 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. THE PARTIES SHOULD SIMULTANEOUSLY EMAIL THE SIGNATURE PAGE OF THE SIGNED AGREEMENT OR A LETTER WITHDRAWING THE CASE TO THE OAH AT https://www.applications.dgsapps.dgs.ca.gov/oah/oahsftweb .

Dates for hearing will not be cancelled until the letter of withdrawal or signature page of the signed agreement has been received 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 the evening prior to the hearing or the morning of the hearing.

If the parties settle the matter subject to board approval, in addition to a signed copy of the signature page of the settlement agreement as noted above, the parties shall provide the date of the next board meeting. OAH will not cancel the hearing dates without this information, and will set the matter for dismissal 30 days after the date of the board meeting.

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

IT IS SO ORDERED.

DATE: June 14, 2019

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Adrienne L. Krikorian
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ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings