BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2016100527
v.	ORDER FOLLOWING PREHEARING CONFERENCE, CONTINUING PREHEARING CONFERENCE AND DUE PROCESS HEARING, AND SETTING MEDIATION
LOS ANGELES UNIFIED SCHOOL DISTRICT.	

On October 31, 2016, the prehearing conference in this matter was continued to November 4, 2016 because Parents could not be reached by telephone, and to confirm that the contact information for Parents was current.

On November 1, 2016, District filed a sworn declaration documenting that it had searched several databases, and confirmed that the address for Student in its due process hearing request (complaint) was the address on file for Student and his sibling in all District records. District also provided four telephone numbers for Parents in its records, although OAH had been informed that one telephone number, reflected in the complaint, was not Parents' number by the persons who answered at that number.

On November 3, 3016, OAH served by overnight delivery a copy of the October 31, 2016 PHC order, continuing the PHC to November 4, 2016, translated into Spanish.

Prior to the PHC, the ALJ called the other three numbers for Parents, with a Spanish language interpreter on the call.[1] One of the numbers was apparently out of order (repeated out of order signal), but voicemail messages were left at the other two numbers for Parents to call OAH immediately at (916) 263-0880 if they wished to participate in the PHC. The PHC was trailed for 20 minutes, but Parents did not contact OAH and the interpreter was released.

On November 4, 2016, a telephonic prehearing conference was held before Administrative Law Judge Alexa J. Hohensee, Office of Administrative Hearings. Mary Kellogg, Attorney at Law, appeared on behalf of Los Angeles Unified School District. The PHC was recorded.

Based upon discussion with District, the ALJ issues the following order:

1. Hearing Dates, Times, and Location. The hearing is continued on motion of District, for good cause shown, and shall take place on December 6-8, 2016, and continuing

[1] The three telephone numbers called are stated on the audio record.

day to day thereafter, Monday through Thursday as needed, at the discretion of the ALJ. Unless otherwise ordered, the hearing shall begin at 9:30 a.m. on December 6, 2016, and all other hearing days shall begin at 9:00 a.m.

The hearing shall take place at the OAH offices located at 15350 Sherman Way, Suite 300, Van Nuys, California 91406. 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 was not properly notified of the hearing date or properly subpoenaed, as applicable.

2. Continued PHC. The telephonic PHC is continued to November 28, 2016, at 10:00 a.m. OAH will initiate the conference call. As District has already filed its PHC statement, it need not submit a PHC statement unless changed circumstances so require. Parents should file their PHC statement with OAH so that it is received by November 22, 2016. If Parents do not contact OAH or appear for the PHC, the PHC will proceed without their participation.

In light of confirmation of Parents' current contact information, and multiple attempts to involve Parents in this due process proceeding without response, no further continuances are contemplated. District and Parents should be prepared to proceed to hearing on December 6, 2016.

3. Mediation. Mediation of this matter is scheduled for November 17, 2016 at 1:30 p.m., at the District's offices at 333 South Beaudry, 17th Floor, Los Angeles, California 90017.

If Parents have any questions regarding mediation, they should contact District's representative, Mary Kellogg, at (213) 241-7600.

Questions regarding the PHC or the due process hearing may be directed to OAH calendar clerk Lisa Gachuzo at (916) 263-0880. Information on due process is available, in English and Spanish, at the OAH website at http://www.dgs.ca.gov/oah.

4. 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.

IT IS SO ORDERED.

DATE: November 4, 2016

DocuSigned by:
Alexa Hohensee
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ALEXA J. HOHENSEE
Administrative Law Judge
Office of Administrative Hearings