BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

PALO ALTO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025070906

ORDER FOLLOWING PREHEARING CONFERENCE FOR HEARING BY VIDEOCONFERENCE, DENYING MOTION TO DISMISS, OR IN THE ALTERNATIVE, TO LIMIT THE SCOPE OF THE HEARING

NOVEMBER 18, 2025

On November 17, 2025, Administrative Law Judge Laurie Gorsline, Office of Administrative Hearings, held a prehearing conference by videoconference. The Administrative Law Judge is called an ALJ. The Office of Administrative Hearings is called OAH. The prehearing conference is called a PHC.

Nicole Hodge Amey, Attorney at Law, appeared on behalf of Student. Attorney Amey was assisted by her paralegal. Nicole Mirkazemi, Attorney at Law, appeared on

behalf of Palo Alto Unified School District. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

HEARING DATES, TIMES, AND LOCATION

DUE PROCESS HEARING

The hearing will take place December 2 through 4, 2025, and continue day to day at the discretion of the ALJ. The hearing shall begin at 9:30 AM each day and generally end at 3:30 PM, unless otherwise ordered. The parties anticipate it will take four to six days to complete the hearing. Additional hearing dates will be discussed with the ALJ during the hearing.

HEARING LOCATION

OAH is authorized to conduct due process hearings by videoconference or telephone. (Cal. Code Regs., tit. 5, § 3082, subd. (g).) OAH will conduct the due process hearing by videoconference using the Zoom application. Unless otherwise ordered, participants are required to appear by videoconference using computer or device with video capability and Zoom.

The parties shall immediately notify all potential witnesses of the hearing dates and shall subpoena witnesses, if necessary, to ensure that the witnesses will appear to testify. A party's failure to notify or subpoena a witness to testify will not be considered good cause to continue the hearing. Instructions for issuing and responding to subpoenas and optional forms for subpoenas can be found on the website at https://www.dgs.ca.gov/OAH/Case-Types/Special-Education/Forms/Subpoenas?search=special%20education%20subpoena.

PREHEARING CONFERENCE STATEMENTS

At the August 29, 2025 PHC, the ALJ determined that Student's prehearing conference statement failed to fully comply with the Scheduling Order which required Student to include a concise statement of the issues to be decided by OAH. The ALJ reviewed each of the issues with the parties at length during the PHC and explained why they did not clearly and concisely identify all the issues for hearing. As reflected on the record and in the August 29, 2025 PHC Order, both parties were ordered to timely file new prehearing conference statements before the next PHC. The ALJ ordered that Student's prehearing conference statement comply with the instructions made by the ALJ during the PHC, including but not limited to, clearly identifying the date of the IEPs at issue, where applicable, in addition to providing all the other information the ALJ stated was missing to clarify the claims Student seeks to have OAH adjudicate.

Student's new PHC Statement was due on November 12, 2025, three business days before the November 17, 2025 PHC. Student's PHC Statement was not filed until November 13, 2025, at 3:27 PM, a full day late. Moreover, Student failed to fully comply with the ALJ's directive to clarify the goals and services Student was challenging. Student's PHC Statement did not explain why it was filed late or otherwise fully comply with the ALJ's directives. Nor did Student's counsel offer any persuasive explanation at the November 17, 2025 PHC for these failures.

At the PHC on November 17, 2025, the ALJ admonished Student's attorney on the record for failing to timely and fully comply with the ALJ's prior order and warned Student's counsel that any further violations of OAH orders may result in sanctions, which could include monetary sanctions against Student's attorney and the exclusion of evidence.

MOTION TO DISMISS OR LIMIT THE SCOPE OF EVIDENCE

The purpose of the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et. seq.), called the IDEA, is to "ensure that all children with disabilities have available to them a free appropriate public education," and to protect the rights of those children and their parents. (20 U.S.C. § 1400(d)(1)(A), (B), and (C); see also Ed. Code, § 56000.)

A party has the right to present a complaint "with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to such child." (20 U.S.C. § 1415(b)(6); Ed. Code, § 56501, subd. (a) [party has a right to present a complaint regarding matters involving proposal or refusal to initiate or change the identification, assessment, or educational placement of a child; the provision of a free appropriate public education to a child; the refusal of a parent or guardian to consent to an assessment of a child; or a disagreement between a parent or guardian and the public education agency as to the availability of a program appropriate for a child, including the question of financial responsibility].) The jurisdiction of OAH is limited to these matters. (*Wyner v. Manhattan Beach Unified School Dist.* (9th Cir. 2000) 223 F.3d 1026, 1028-1029.)

In the issue labeled "Issue No. 4" on page 54 of the complaint, Student alleges violation of the Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 701 et seq.), Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d, et seq.), the Americans with Disabilities Act (42 U.S.C. §§ 12101, et seq.), and claims for relief under other related civil rights statutes. On August 29, 2025, OAH dismissed Issue 4 based on a lack of jurisdiction.

On November 12, 2025, District filed a motion to dismiss Issues 2, 3 and 4 of Student's complaint, or in the alternative, to limit the scope of the hearing. District

argues that Issue 4 should be dismissed in its entirety because the claims in that issue fall outside of OAH jurisdiction. District argues that Issues 2 and 3, do not present actionable claims because Student has remained privately placed and Parents have not requested enrollment in District's public program for the 2025-2026 school year. District argues that if the motion to dismiss is denied, that the scope of the hearing should be limited to the May 30, 2025 IEP and exclude claims or evidence related to prior school years or past implementation, allegations, or remedies already adjudicated in the prior OAH Decision in OAH Case No. 2025030845, as well as prospective reimbursement beyond the 2025-2026 school year.

On November 17, 2025, Student filed opposition which included a motion for sanctions. Student argues that District is improperly asking for summary judgment and that the motion is frivolous. Student argues that Parents are allowed to dispute the appropriateness of District's offer of special education and related services and there is no legal basis for asking OAH to dismiss Student's Issues 2 and 3. Student seeks monetary sanctions pursuant to Code of Civil Procedure section 128.7 in the sum of $864.00 for reviewing District's motion and responding to it.

During the November 17, 2025 PHC, District's motion was argued. The ALJ granted District's request to have until November 19, 2025 to file a response to Student's demand for sanctions, but the ALJ otherwise ruled on merits of District's motion. Student's request for sanctions will be addressed by separate order.

District's motion to dismiss as to Issue 4 is denied as moot. District's counsel was admonished on the record for filing a motion to dismiss regarding a claim already dismissed by the ALJ at the August 29, 2025 PHC.

District's motion to dismiss as to Issues 2 and 3 is also denied. Although OAH will grant motions to dismiss claims that are facially outside of OAH jurisdiction, special education law does not provide for a summary judgment or summary adjudication procedure. Here, District's motion to dismiss is not limited to matters that are facially outside of OAH jurisdiction. Instead, District seeks a finding that it was not required to offer or provide a free appropriate public education, called FAPE, to Student for the 2025-2026 school year. By the motion, District seeks a factual determination that Parent never sought an offer of FAPE or an individualized education program, called an IEP, team meeting for Student, among other factual determinations relevant to that conclusion, including the purpose of the May 30, 2025 IEP and Parent's intent regarding the offer that was made in that IEP. As such, District's motion to dismiss Issues 2 and 3 is procedurally improper because it attempts to obtain the equivalent of a summary judgment or summary adjudication of issues prior to giving Student the opportunity to develop a factual record at hearing. In any event, District has failed to establish through any competent persuasive evidence that Parent never sought an offer of FAPE or an IEP team meeting for purposes of receiving an offer for the 2025-2026 school year. Accordingly, District's motion to dismiss is denied in its entirety.

District's motion to limit the scope of the evidence is also denied. District's motion is vague and overbroad. District does not identify specifically what evidence or claims it seeks to exclude much less explain why such evidence or claims are not relevant to the claims in this case. District also fails to explain which issues or allegations were previously litigated in the prior case or explain why they are not relevant to the issues in this case. It is not the ALJ's job to construct or develop a party's argument. (See *Loewen v. Berryhill* (9th Cir. 2017) 707 Fed. Appx. 907, 908 (nonpub. opn.), citing *Carmickle v. Commissioner* (9th Cir. 2008) 533 F.3d 1155, 1161, fn. 2 [the court is not required to address arguments made without specificity]; *Independent*

Towers of Washington v. Washington (9th Cir. 2003) 350 F.3d 925, 929 [the court cannot construct arguments for a party, and will only examine issues specifically and distinctly argued in a party's brief]: see also, *In Re: Out of Network Substance Use Disorder Claims Against UnitedHealthcare* (C.D.Cal., October 14, 2022, 8:19-cv-02075-JVS(DFMx)) 2022 WL 17080378, fn. 2 ["The Court 'is not a pig searching for truffles in a forest,' and will 'not perform the work of representing parties.'"); *Kraim v. Virginia, et al.* (S.D.W. Va. July 26, 2021, No. 3:21-cv-00326) 2021 WL 3612305, at *7 ["[J]udges are not pigs searching for truffles," and not required to be "mind readers."]; *Agarwal v. Oregon Mutual Insurance Company* (D.Nev. January 18, 2013, No. 2:11–cv–01384–LDG) 2013 WL 211093, at *3 ["[I]t is not the responsibility of the judiciary 'to sift through scattered papers in order to manufacture arguments for the parties.'"].)

It is well settled law that a party may use prior acts as background evidence to support a timely claim. (Cf. *United Air Lines v. Evans* (1977) 431 U.S. 553, 558; *National R.R. Passenger Corp. v. Morgan* (2002) 536 U.S. 101, 102.) District has failed to explain why evidence pertaining to prior school years is not relevant background evidence to the challenges Student is making to the May 30, 2025 IEP in this case. Again, it is not the ALJ's job to develop District's arguments.

District also seeks to exclude any prospective claims for relief beyond the 2025-2026 school year. However, again, District has failed to adequately brief the issue. District has failed to explain which of Student's claims or remedies seek prospective relief. As set forth below, all of Student's claims in this case challenge the May 30, 2025 IEP and it is unclear which remedies District contends Student is seeking prospective relief. District has also failed to explain why prospective relief, if any, is improper such that OAH should preclude Student from introducing evidence to support such claims at the hearing.

District asserts that the scope of the hearing should be limited to relevant evidence, relying on California Code of Regulations, title 5, section 3082, subdivision (b). It also argues that OAH should exclude evidence which is unduly prejudicial, time-consuming, or confusing based on Evidence Code section 352. However, District has failed to make any specific persuasive substantive argument on these issues. District does not adequately identify or explain why the evidence it seeks to exclude is irrelevant, unduly prejudicial, time consuming or confusing. District's conclusory assertions are insufficient to sustain the relief it seeks on a prehearing motion in limine. Accordingly, the motion to limit the scope of the hearing is denied. However, nothing in this order precludes District from making appropriate objections to specific evidence Student proffers at hearing, at which time the ALJ can address those objections.

ISSUES AND PROPOSED RESOLUTIONS

The issues at the due process hearing, and proposed resolutions, as alleged in the complaint and clarified by the parties and the ALJ during the PHC are set forth below. The Parties are required to immediately file a written objection if any of the issues listed below do not accurately reflect Student's claims or any claim is missing or otherwise object to any issue listed below. Any objections will be addressed on the first day of hearing.

Student's attempt to preemptively move to amend to conform to proof at paragraph 173 of his complaint, citing 34 Code of Federal Regulations part 300.507(c)(4), is inappropriate. First, there is no subdivision (c)(4) in 34 Code of Federal Regulations part 300.507. Second, unlike civil cases brought in state or federal court, the ALJ in a due process case does not have the power to allow a party to amend the complaint at the hearing. Title 20 United States Code section 1415(c)(2)(E)(i) specifically provides that "[a] party may amend its due process complaint notice only if –

(I) the other party consents in writing to such amendment and is given the opportunity to resolve the complaint through a meeting held pursuant to subsection (f)(1)(B); or

(II) the hearing officer grants permission, except that the hearing officer may only grant such permission at any time not later than 5 days before a due process hearing occurs."

Both attorneys are warned that citing nonexistent law could result in the imposition of sanctions. Both attorneys are expected to have properly checked citations in all briefs filed with OAH and to advise OAH of any law contrary to their stated position or authority, just as they would in any state or federal court filing.

ISSUES

1. Did District deny Student a FAPE in the May 30, 2025 IEP by failing to offer an appropriate post-secondary transition plan?
2. Did District deny Student a FAPE in the May 30, 2025 IEP by predetermining Student's educational program and thereby significantly impeding Parents' opportunity to participate in the decisionmaking process regarding the provision of a FAPE to Student?
3. Did District deny Student a FAPE in the May 30, 2025 IEP by failing to offer:
    A. Any goals to address Student's unique needs?
    B. Any services that were different from the prior August 2023 IEP, as amended in May 2024 and December 2024?
    C. An appropriate placement?

PROPOSED RESOLUTIONS

The resolutions requested by Student include placement at a nonpublic school and reimbursement for Hope Technology. Student also seeks an independent educational transition evaluation by Bruce Bloom, an IEP to review the evaluation and develop an appropriate program, and development of post-secondary transition goals by an independent post-secondary transition specialist. Student also seeks that District special education staff receive at least five to ten hours of training by a non-District contracted provider.

District filed its response to Student's complaint on August 1, 2025. (*M.C. v. Antelope Valley Union High School Dist.* (9th Cir. 2017) 858 F.3d 1189, 1199-1200.)

EXHIBITS

The parties shall serve their exhibits on each other in compliance with Education Code section 56505, subdivision (e)(7). The parties shall upload their exhibits electronically according to the Order Setting Procedures for Filing Exhibits Electronically. Timely uploading electronic hearing exhibits five business days before the first day of hearing constitutes that party's timely exchange of evidence in compliance with Education Code section 56505, subdivision (e)(7). If further assistance is needed, please contact OAH at OAHSEOps@dgs.ca.gov.

Except for good cause shown, or unless used solely for rebuttal or impeachment, any exhibit not timely exchanged as required by Education Code section 56505, subdivision (e)(7) shall not be admitted into evidence at the hearing unless the ALJ rules that it is admissible.

IDENTIFYING EXHIBITS AND PAGE NUMBERS

Each exhibit must be identified by a letter and number. Student must use the letter S before the number to identify Student's exhibits. District must use the letter D before the number to identify District's exhibits. For example, S-1 means Student's exhibit 1 and D-1 means District's. A cover sheet with this identifying letter and number should be the first page of each exhibit. The electronic evidence program will automatically number the exhibits and additional page numbering or bates stamping should not be added.

CONTENT

Each exhibit must consist of one document. Separate documents may not be combined into one exhibit. Emails may be consolidated into one exhibit if they are part of a single chain of messages. Exhibits should be in chronological order with the oldest document first.

Parties should include resumes or curriculum vitae for each witness expected to testify as an expert.

District exhibits must include a copy of the school calendar for each school year in question, including all extended school years.

For any assessment plans, the parties shall include all signatures pages, if any, demonstrating when the assessment plan was sent, and if, and when Parent signed the assessment plan.

For any IEPs, the parties shall include all signatures pages, if any, demonstrating who attended each IEP team meeting, and if, and when, Parent consented to or refused to consent to each IEP.

Electronic copies of exhibits filed with OAH shall be filed by 5:00 PM at least five business days before the first day of hearing. Please refer to the General Order OAH issued with the Scheduling Order that contains the Order Setting Procedures for Filing Exhibits Electronically. It includes instructions for how to file exhibits electronically. Beginning three business days before the hearing, the electronic evidence system will not allow parties to upload exhibits unless permitted by the ALJ during the hearing at the ALJ's discretion.

WITNESSES

The parties shall serve their list of witnesses on each other in compliance with Education Code section 56505. No party shall be permitted to call any witnesses not timely disclosed except for good cause shown, supported by written declaration under penalty of perjury, and at the discretion of the ALJ.

Parties are responsible for ensuring that all participants are familiar with and follow the Instructions for Joining the Online Due Process Hearing provided with this Order. Participants who have not previously used the Zoom application, may find informative instructions by visiting, Getting Started with Zoom at https://support.zoom.us/hc/en-us/categories/200101697.

The parties are responsible for ensuring that witnesses join the virtual hearing room at the designated date and time to testify. Witnesses are required to join the due process hearing by computer and appear by videoconference unless they do not have the necessary computer equipment. If a witness does not have the necessary equipment, the ALJ may permit the witnesses to appear by audio only or by telephone. "Audio only" means using a computer without video. A witness's inability to attend the hearing by videoconference will be discussed at the start of the hearing.

The parties are responsible for producing their own witnesses unless otherwise ordered by the ALJ. Parties shall make witnesses under their control reasonably available. The parties must schedule their witnesses to avoid delays in the hearing and to minimize or eliminate the need for calling witnesses out of order.

The ALJ has discretion to limit the number of witnesses and the time allowed for testimony. Education Code, section 56505.1, subdivision (h), empowers the ALJ to set a reasonable limit on the length of the hearing after consideration of four factors. The first two factors are the issues to be heard and the complexity of facts to be proven. The second two factors are the ability of the parties or their representatives to present their respective cases and the parties' estimates of the time needed to present their cases.

MEET AND CONFER

The parties are encouraged to review and shorten their witness and exhibit lists before the hearing. Evidence may be excluded if it is repetitive, cumulative, or insufficiently probative to justify the time it would take to present such evidence.

The parties are ordered to meet and confer no later than November 24, 2025, at 4:00 PM to discuss scheduling witnesses and how much time each witness will take to testify. The parties shall discuss any issues related to counsel and witnesses appearing by videoconference for hearing, electronically viewing exhibits during the hearing, and subpoenas, if any. The parties should attempt to identify all duplicate exhibits and decide which of the duplicates both parties will use at hearing. The parties shall discuss whether they can produce a written stipulation as to pertinent facts, contentions, resolutions and the authenticity and admissibility of documents to shorten the length of time needed for the hearing.

As part of the meet and confer process, District shall inform Student which proposed witnesses are District employees. District shall also identify the witnesses on Student's list that require a subpoena. District may agree to accept service for a witness under its control or provide Student with the witness's most recent contact information. These obligations are reciprocal. To the extent applicable, Student is required to do the same regarding the witnesses on District's list and provide the witness's most recent contact information.

Any contact information provided shall be used for the limited purpose of issuing subpoenas or for contacting a witness to attend the hearing. Any contact information provided by the opposing party shall not be disclosed to any other person.

PARTICIPANT INFORMATION FORM

Both parties have an ongoing obligation to ensure that OAH has current information on the Participant Information Form filed with OAH and shall file an updated Form as necessary. The Participant Information Form is not served upon the opposing party. The ongoing obligation to ensure that the Participant Information Form filed with OAH is current does not change the parties' statutory obligation to timely disclose their witnesses to the other party(s) at least five business days prior to hearing. The parties must file an updated Participant Information Form to inform OAH of any changes, additions, or deletions, including the required information no later than 5:00 PM at least two business days before the first day of hearing.

EVIDENCE PRESENTATION

In an administrative proceeding, the burden of proof is ordinarily on the party requesting the hearing. (*Schaffer v. Weast* (2005) 546 U.S. 49, 62.) In this case Student

requested the hearing and bears the burden of proof. Student's case-in-chief shall be presented first, followed by District, unless otherwise ordered or agreed.

WITNESS SCHEDULES

On the first day of hearing, the parties must provide a joint proposed witness schedule for the entire hearing to the ALJ. The schedule should include the first and last name of the witness, which party is calling each witness to testify, and include dates and time estimates of each witness's expected testimony on an hour-by-hour basis, with breaks in the testimony factored into the schedule. In the event an agreement cannot be reached regarding the schedule, each party shall prepare a separate written schedule. Both parties must have witnesses available in case there is no agreement on the schedule.

At the beginning of the hearing, the ALJ and the parties will discuss the length of time anticipated for each witness and scheduling issues for individual witnesses. The ALJ will finalize the witness schedule. Parties must be prepared at the end of each day to discuss the witnesses to be presented the next day and the estimated time for the testimony of each witness.

SCOPE OF WITNESS EXAMINATION

Each witness will be called to testify only once, except for rebuttal purposes. All parties must examine a witness on all issues when the witness is first called to testify. Requiring a witness to appear only once takes priority over the order in which parties present their case-in-chief.

AUDIO ONLY OR TELEPHONIC TESTIMONY

Whether a witness may appear by audio only or telephone instead of videoconference is a matter within the discretion of the ALJ. (Cal. Code Regs., tit. 5, § 3082, subd. (g).) Any party seeking to present a witness by audio only or telephone shall request permission to do so before the hearing. Any party seeking to present a witness who cannot access exhibits electronically must inform the ALJ at the beginning of the hearing.

ELECTRONIC RECORDINGS

AUDIO RECORDING

A party may request permission to make an audio recording of the hearing. Permission to make an audio recording is subject to the ALJ's discretion and based upon the following conditions:

1. The OAH recording is the only official recording;
2. The parties shall turn their recording device on and off at the same time that the ALJ is on and off the record to avoid recording conversations while off the record;
3. The operation of the party's recording mechanism will not be allowed to delay the hearing;
4. A party's recording may not be given, provided or played to a witness, or potential witness;
5. The recording is subject to the same confidentiality as the due process hearing; and

6. The participants shall not take screenshots of the videoconference nor share or publish any portion of the videoconference or audio recording.

Student's and District's requests to make an audio recording of the hearing is granted subject to the above conditions and any other orders made at the hearing.

The parties are prohibited from using artificial intelligence to either record the hearing or transcribe the recording.

VIDEO RECORDING

No party, witness or anyone else may videorecord any part of the proceedings or stream live through any means.

RECORDINGS AS EXHIBITS

Recordings may not be uploaded electronically without the ALJ's permission. The ALJ has discretion to admit or exclude evidence in the form of a recording. The ALJ may grant or deny the request or grant the request subject to certain conditions. The party offering the recording must establish that all or a part of the recording is relevant. The ALJ may request a transcript of the portion of the recording requested or have the party offering the recording to provide an exact identifiable portion of the recording the party seeks to admit. The identities of any person speaking on the portion of the tape being introduced must be established. An ALJ may allow the opposing party to offer additional portions of a recording to establish the context, or to rebut, the recording.

A recording of the May 30, 2025 IEP is one of Student's hearing exhibits. Student shall provide District with a full copy of the recording and a transcription of the recording by November 21, 2025. Student will upload the transcription and the recording into Case Center, but the recording will be Student's last exhibit in order. For

efficiency of the hearing, Student shall mark on the transcription those portions of the recording/written transcription Student intends to rely upon at hearing and provide that information to District so that District may do any counter designations.

COMPENSATORY EDUCATION OR REIMBURSEMENT

A party seeking compensatory education should provide evidence regarding the type, amount, duration, and need for any requested compensatory education.

Any party seeking reimbursement for expenditures shall present admissible evidence of these expenditures, or a stipulation to the amount of the expenditures. Documents offered as evidence to support a request for reimbursement must be separated by vendor.

MOTIONS

Other than Student's pending request for sanctions, there are no pending motions filed or contemplated by either party. Any other motion that was not filed three business days before the PHC, shall be supported by a declaration under penalty of perjury establishing good cause why the motion was not timely filed.

STIPULATIONS

Stipulations to pertinent facts, contentions, resolutions and authenticity and admissibility of documents are encouraged. Any proposed stipulation shall be submitted to the assigned ALJ in writing prior to the start of the hearing.

CONDUCT OF PARTICIPANTS AND HEARING ROOM DECORUM

All participants to the videoconference should observe the same decorum as in an in-person due process hearing. Participants must conduct themselves in a professional and courteous manner at all times. Cellular phones, telephones and computer notifications must be shut off or set to silent during the hearing unless the ALJ grants permission otherwise. Participants should appear from a private location, unless otherwise ordered. Participants should take reasonable efforts to minimize background noise and maintain adequate room lighting. Use of virtual background images are at the discretion of the ALJ. Witnesses are prohibited from reading exhibits, documents, notes, text messages, telephones or computers while testifying, unless permitted to do so by the ALJ. The parties, their representative and witnesses are prohibited from passing notes to, exchanging electronic messages with, or signaling the witness in any way while the witness is testifying.

LANGUAGE INTERPRETERS AND REASONABLE ACCOMMODATIONS

Neither party requested an accommodation or an interpreter.

A party or participant in this case, such as a witness, requiring reasonable accommodation to participate in a mediation or hearing may contact OAH at (916) 263-0880, or send an email to OAHADA@dgs.ca.gov as soon as the need is known. The e-mail should have "Request for Accommodation" in the Subject Line. Additional information concerning requests for reasonable accommodation is available on OAH's website at: https://www.dgs.ca.gov/OAH/Services/Page-Content/Office-of-Administrative-Hearings-Services-List-Folder/Request-Reasonable-Accommodations-for-OAH-Legal-Proceedings.

HEARING CLOSED TO THE PUBLIC

The hearing is closed to the public. Special education hearings are closed to the public unless Student requests the hearing to be open to the public.

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 by visiting OAH Secure e-file at https://www.applications.dgs.ca.gov/oah/oahsftweb.

If a full and final written settlement agreement is reached after 4:00 PM 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.

FAILURE TO COMPLY

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

ORDER INCLUDES ALL RULINGS

This Order includes all rulings made at the prehearing conference. Any discussion and conversation not referenced in this Order is not binding on the ALJ conducting the hearing and may not be relied upon by the parties. The parties should be aware that, at hearing, the ALJ conducting the hearing has discretion to reconsider any part of this Order.

IT IS SO ORDERED.

Laurie Gorsline

Laurie Gorsline
Administrative Law Judge
Office of Administrative Hearings