BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENTS ON BEHALF OF STUDENT, v. HUNTINGTON BEACH UNION HIGH SCHOOL DISTRICT,	OAH Case No. 2014090268
HUNTINGTON BEACH UNION HIGH SCHOOL DISTRICT, v. PARENTS ON BEHALF OF STUDENT.	OAH Case No. 2014090535 ORDER FOLLOWING PREHEARING CONFERENCE

On March 2, 2015, a telephonic prehearing conference was held before Administrative Law Judge Susan Ruff, Office of Administrative Hearings. Rosa Hirji, Attorney at Law, and Jenny Chau, Attorney at Law, appeared on behalf of Student and Student's parents. Karen Van Dijk, Attorney at Law, appeared on behalf of the Huntington Beach Union High School District. The PHC was recorded.[1]

Based on discussion of the parties, the ALJ issues the following order:

1. Motion for Reconsideration. On February 26, 2015, OAH denied Student's request for continuance. On March 2, 2015, Student filed a motion for reconsideration of that order.[2] The motion for reconsideration is granted. Good cause appearing, Student's request for continuance is granted. The prior hearing dates are vacated. **No further continuances of this matter will be granted.**

[1] The second school district named in Student's request for due process hearing, the Newport-Mesa Unified School District, has settled the case with Student and was not involved in the telephonic PHC.

[2] Normally a motion for reconsideration of an order would be ruled upon by the ALJ who issued the order. However, in the instant case, District filed a peremptory challenge to the ALJ who issued the order.

2. Hearing Dates, Times, and Location. The hearing shall take place on May 26, 27, and 28, 2015, and June 2, 3, and 4, 2015, and shall continue day to day thereafter, Monday through Thursday, as needed at the discretion of the ALJ. The hearing shall begin at 1:30 p.m. on May 26, 2015, and at 9:00 a.m. on all other days, unless otherwise ordered.

The hearing shall take place at the West Orange County Consortium for Special Education offices located at:

5832 Bolsa Avenue
Huntington Beach, CA 92649

The school district shall provide a facility for the hearing that fully complies with the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.), the Rehabilitation Act of 1973 (29 U.S.C. § 794), the Unruh Civil Rights Act (Civ. Code, § 51 et seq.), and all laws governing accessibility of government facilities to persons with disabilities.

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.

2. Issues. The issues at the due process hearing are listed below.

Student's issues:

a) Did District deny Student a free appropriate public education between August 2013, and May 13, 2014, by failing to identify, locate and evaluate Student as a child with a disability?

b) Did District's May 13, 2014 individualized education program offer deny Student a FAPE because it failed to offer intensive individual instruction, services to address Student's mental health needs, goals designed to address Student's academic and mental health needs, and supports and services to enable Student to make progress?

c) Did District's September 22, 2014 IEP offer deny Student a FAPE because it failed to offer intensive individual instruction, services to address Student's mental health needs, goals designed to address Student's academic and mental health needs, and supports and services to enable Student to make progress?

d) Did District's December 8, 2014 IEP offer deny Student a FAPE because it failed to offer intensive individual instruction, services to address Student's emotional disturbance, goals designed to address Student's mental health needs, and supports and services to enable Student to make progress?

District's Issue:

e) Did District conduct Student's initial evaluation in spring of 2014 in accordance with the legal requirements so that Student is not entitled to an independent educational evaluation?

3. Prehearing Conference. A continued telephonic prehearing conference shall be held on Monday, May 18, 2015, at 10:00 a.m.

IT IS SO ORDERED.

DATE: March 3, 2015

/s/

SUSAN RUFF
Administrative Law Judge
Office of Administrative Hearings