BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. BURBANK UNIFIED SCHOOL DISTRICT.	OAH Case No. 2018030791 ORDER FOLLOWING PREHEARING CONFERENCE, GRANTING STUDENT'S REQUEST TO CONTINUE HEARING, AND SETTING HEARING AND PREHEARING CONFERENCE

On July 16, 2018, a telephonic prehearing conference was held before Administrative Law Judge Christine Arden, Office of Administrative Hearings. Mother appeared on behalf of Student. Student was also present with Mother. Maria Fletes, a Spanish language interpreter, appeared to assist Mother. Tamra Kaufman, Attorney at Law, appeared on behalf of Burbank Unified School District. The PHC was recorded.

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

1. Hearing Dates, Times, and Location. On July 12, 2018, Student filed a request to continue the due process hearing in this matter due to Mother's unavailability from July 16, 2018, through August 8, 2018, and Student's search for a new attorney, since her former counsel withdrew from this case on June 20, 2018.

A discussion was held on the record. Good cause having been demonstrated, Student's request for continuance of the prehearing conference and due process hearing is granted. **The hearing shall take place on September 11, 12, and 13, 2018**, and continuing day to day, Monday through Thursday, at the discretion of the ALJ. The hearing shall take place at District's offices located at 1900 West Olive Avenue, Burbank, CA 91505. **The hearing shall begin at 9:30 a.m. on the first day of the hearing** and at 9:00 a.m. all other days, unless otherwise ordered.

The telephonic prehearing conference shall take place on August 31, 2018 at 1:00 p.m. All prehearing conference matters shall be addressed at that time. Prehearing conference statements, and any prehearing motions, are due to OAH no later than August 28, 2018, or if not filed by August 28, 2018, submitted with evidence showing good cause why it was not possible to file the documents by that date.

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. 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.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 school board approval, in addition to a signed copy of the signature page of the settlement agreement as noted above, the parties shall also submit a request for a status conference and provide the date of the school board meeting at which board approval of the settlement will be addressed. OAH will not cancel the hearing dates without this information.

IT IS SO ORDERED.

DATE: July 16, 2018

Christine Arden

CHRISTINE ARDEN
Administrative Law Judge
Office of Administrative Hearings