BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENTS ON BEHALF OF STUDENT,	OAH Case No. 2017030442
v.	ORDER FOLLOWING PREHEARING CONFERENCE AND CONTINUING PREHEARING CONFERENCE
CHULA VISTA ELEMENTARY SCHOOL DISTRICT.	

On July 7, 2017, a telephonic prehearing conference was held before Administrative Law Judge Darrell Lepkowsky, Office of Administrative Hearings. Paul A. Hefley, Jr., Attorney at Law, appeared on behalf of Parents, on behalf of Student. Pamela Townsend, Attorney at Law, appeared on behalf of the Chula Vista Elementary School District. The ALJ recorded the PHC.

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

1. Continuance of Prehearing Conference. The parties indicated that they have reached a settlement agreement in principle but have not yet finalized it. The parties made a joint oral request to continue the PHC. To permit the parties sufficient time to finalize and execute the settlement, the telephonic prehearing conference in this case is continued at the parties' request to **July 14, 2017, at 10:00 a.m.**

2. Should the parties be unable to finalize the settlement prior to the date and time of the continued PHC, the PHC shall proceed as stated above. The parties shall be prepared to discuss all issues for hearing, including witnesses and exhibits. For now, the hearing will remain on calendar for July 20, 25, and 26, 2017, at District's offices located at 84 East J Street, Chula Vista, California, 91910.

3. As ordered in the scheduling order, District was to 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 et seq.), the Unruh Civil Rights Act (Civ. Code, § 51 et seq.), and all laws governing accessibility of government facilities to persons with disabilities. District has not yet filed the required certification. If this matter does not fully settle prior to the date and time of the continued PHC, District must file the certification before 10:00 a.m. on July 14, 2017. If no certification is received, another hearing site may be determined.

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.

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 **FAX THE SIGNATURE PAGE OF THE SIGNED AGREEMENT OR A LETTER WITHDRAWING THE CASE TO THE OAH AT THE FAXINATION LINE at 916-376-6319.**

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.

IT IS SO ORDERED.

DATE: July 10, 2017

DocuSigned by:
Darrell Lepkowsky
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DARRELL LEPKOWSKY
Administrative Law Judge
Office of Administrative Hearings