OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
KERN HIGH SCHOOL DISTRICT,	OAH CASE NO. 2014031002
v.	ORDER FOLLOWING PREHEARING CONFERENCE AND CONTINUING PRE-HEARING CONFERENCE AND DUE PROCESS HEARING
PARENT ON BEHALF OF STUDENT.	

On April 18, 2014, a continued telephonic prehearing conference (PHC) was held before Administrative Law Judge (ALJ) Stella L. Owens-Murrell, Office of Administrative Hearings (OAH). The matter was continued pursuant to an order issued by the undersigned ALJ on April 14, 2014 because of Parent's failure to participate in the April 14, 2014 PHC and for Parent to show cause why the due process hearing should be continued and not proceed on its currently scheduled date. Darren J. Bogie, Attorney at Law, appeared on behalf of District. Parent appeared on behalf of Student. The PHC was recorded.

At the PHC Parent stated that the case should not go to hearing because she intended to move out of the jurisdictional boundaries of the district by June 1, 2014. Parent requested a continuance to June 1, 2014. Parent further stated that she has spoken to attorneys from Disability Rights and needs time to obtain legal representation if the District intended to proceed with its case. District responded that Parent had not yet moved out of the District despite her prior representations to District that she would be moving. District wants to proceed because Student's triennial assessment has been delayed due to Parent's actions and the assessment must be conducted before the end of the school year. Based on discussion of the parties, the ALJ is inclined to grant a brief continuance to permit Parent to retain an attorney and issues the following order:

1. The PHC is continued to May 12, 2014 at 1:00 p.m.
2. The Due Process Hearing is continued May 20, 2014
3. Parent is further ordered to file a PHC statement with OAH and mail a copy of the PHC statement to District's Attorney no later than Wednesday May 7, 2014.
4. A prehearing conference is a telephonic conference held between the Administrative Law Judge and the parties to discuss and clarify the due process hearing issues, witnesses, and other prehearing matters. The telephonic prehearing conference will be initiated by an ALJ at OAH.

Each party is required to submit a PREHEARING CONFERENCE STATEMENT which shall be filed at least three business days prior to the PREHEARING CONFERENCE with the Office of Administrative Hearings, Special Education Division, 2349 Gateway Oaks Drive, Suite 200, Sacramento, CA 95833. The Prehearing Conference Statement may be filed and served by facsimile transmission at (916) 376-6319. The parties need not mail a

hard copy of any document sent by facsimile transmission. The parties shall not send by mail or facsimile transmission copies of documentary evidence intended for the due process hearing to OAH. The Prehearing Conference Statement shall include the following:

a. Each party's estimate of the time necessary to complete the Due Process Hearing;

b. A concise statement of the issues that remain to be decided at the Due Process Hearing and the proposed resolution of such issues, based upon those issues raised in the due process hearing request;

c. The name of each witness the party may call at the Due Process Hearing, a brief summary of the subject of the expected testimony of the witness, and a description of the issue to which the testimony of the witness relates;

d. The name and address of each expert witness the party intends to call at the Due Process Hearing, a brief summary of the opinion that the expert is expected to give, and a description of the issue to which the testimony of the expert relates;

e. A list of documentary evidence that the party intends to present, and a description of any physical or demonstrative evidence; and

5. Failure to comply with this order may result in the exclusion of evidence or other sanctions.

IT IS SO ORDERED

DATE: April 18, 2014

/s/

STELLA OWENS-MURRELL
Administrative Law Judge
Office of Administrative Hearings