BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. RIVERSIDE UNIFIED SCHOOL DISTRICT AND RIVERSIDE COUNTY OFFICE OF EDUCATION.	OAH CASE NO. 2013010137 ORDER FOLLOWING PREHEARING CONFERENCE AND ORDER GRANTING CONTINUANCE

On April 3, 2013, a telephonic prehearing conference (PHC) was held before Administrative Law Judge (ALJ) Peter Paul Castillo, Office of Administrative Hearings (OAH). Daniel Shaw, Attorney at Law, appeared on behalf of Student. Jack B. Clarke, Jr., Attorney at Law, appeared on behalf of Riverside Unified School District (RUSD) and Riverside County Office of Education (RCOE).[1] The PHC was recorded.

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

1. Continuance Request. This matter is presently set for hearing on April 15 – 18, 2013. At the April 3, 2013 PHC, the parties made a joint continuance request as they believed that the interests of justice would be furthered if their hearing would follow the issuance of the decision in the bifurcated matter in this case of *Student v. Sacramento County Office of Education and Sacramento City Unified School District*. A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted. (34 C.F.R. § 300.515(a) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Speedy resolution of the due process hearing is mandated by law and continuance of the hearing may be granted only upon a showing of good cause. (Ed. Code, § 56505, subd. (f)(3).) The parties established good cause for a continuance as the issuance of the pending decision may further settlement discussion between the parties.

Therefore, the PHC and the due process hearing are continued. The PHC shall take place on May 6, 2013, at 1:30 p.m.,[2] and the due process hearing shall take place on May 13

[1] On February 21, 2013, OAH granted the motion of RUSD and RCOE to bifurcate this proceeding and to hear Student's issues for hearing against RUSD and RCOE separately from those against Sacramento County Office of Education and Sacramento City Unified School District.

[2] The parties need not file any amended PHC statements, and any amendment PHC statements shall be filed and served by 5:00 p.m. on May 1, 2013.

– 16, 2013.[3] The hearing shall begin at 9:00 a.m. and end at 5:00 p.m., except for May 13, 2013, when the hearing shall begin at 1:30 p.m., unless otherwise ordered. The hearing shall take place at RUSD's offices, located at 5700 Arlington Avenue, Riverside, California, 92504.[4]

Notwithstanding Education Code section 56505, subdivision (e)(7), the parties are permitted to exchange exhibits by 5:00 p.m., on May 7, 2013.

2. Settlement. The parties are encouraged to continue their attempts 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. If a settlement is reached five business days or fewer before the due process hearing is scheduled to begin, the parties shall, in addition, immediately inform OAH of that fact by telephone at (916) 263-0880. 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. IF A FULL AND FINAL SETTLEMENT IS REACHED AFTER 5:00 P.M. ON THE LAST BUSINESS DAY PRIOR TO HEARING, THE PARTIES SHALL LEAVE A VOICEMAIL MESSAGE REGARDING THE SETTLEMENT AT (916) 274-6035, AND SHALL ALSO LEAVE CELLULAR PHONE NUMBERS OF EACH PARTY OR COUNSEL FOR EACH PARTY. The ALJ will check for messages the evening prior to the hearing and the morning of the hearing.

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

IT IS SO ORDERED.

Dated: April 4, 2013

/s/
PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings

[3] The parties indicated that they would contact OAH to schedule a mediation for either April 23, 24, or 25, 2013.

[4] At a minimum, the room shall have separate tables capable of being moved into a courtroom configuration, as follows: (1) one table for Student's representatives; (2) one table for RUSD's and RCOE's representatives; (3) one table for the ALJ with a nearby electrical outlet; and (4) one witness table. RUSD shall ensure that all parties and the ALJ have drinking water and tissue available to them.