BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

COVINA-VALLEY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2023110809

ORDER FOLLOWING PREHEARING CONFERENCE FOR HEARING BY VIDEOCONFERENCE

APRIL 29, 2024

On April 26, 2024, Administrative Law Judge Lindsey of the Office of Administrative Hearings, held a prehearing conference by videoconference. The Administrative Law Judge is called an ALJ. The Office of Administrative Hearings is called OAH. The prehearing conference is called a PHC.

Abigail Lombardo, Attorney at Law, appeared on behalf of Student. Amy Rogers, Attorney at Law, appeared on behalf of District. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

HEARING DATES, TIMES, AND LOCATION

DUE PROCESS HEARING

The hearing will take place on May 7, 8 and 9, 2024 and continue day to day at the discretion of the ALJ. The hearing shall begin at 9:30 AM each day and generally end at 3:30 PM, unless otherwise ordered. The parties anticipate it will take 8 days to complete the hearing. Additional hearing dates will be discussed with the ALJ during the hearing.

HEARING LOCATION

OAH is authorized to conduct due process hearings by videoconference or telephone. (Cal. Code Regs., tit. 5, § 3082, subd. (g).) OAH will conduct the due process hearing by videoconference using the Zoom application. Unless otherwise ordered, participants are required to appear by videoconference using computer or device with video capability and Zoom.

The parties shall immediately notify all potential witnesses of the hearing dates and shall subpoena witnesses, if necessary, to ensure that the witnesses will appear to testify. A party's failure to notify or subpoena a witness to testify will not be considered good cause to continue the hearing. Instructions for issuing and responding to subpoenas and optional forms for subpoenas can be found on the website at https://www.dgs.ca.gov/OAH/Case-Types/Special-Education/Forms/Subpoenas?search=special%20education%20subpoena.

ISSUES AND PROPOSED RESOLUTIONS

A free and appropriate public education is called FAPE. An individualized educational plan is called an IEP. The issues at the due process hearing, and proposed resolutions, as alleged in the complaint and clarified by the parties and the ALJ during the PHC are:

ISSUES

1. During the 2021-2022 school year, including the extended school year, did Covina-Valley District deny Student a FAPE by:

    a. failing to allow parent participation in the IEP process by keeping inaccurate records of Student's after the December 8, 2021 and May 20, 2022 meetings?

    b. failing to allow parent participation in the IEP process by not providing a legally compliant IEP forum?

    c. failing to present Parent a clear offer of placement before seeking parental consent during the December 8, 2021, May 20, 2022, and June 1, 2022 IEP team meetings?

    d. failing to ensure the necessary IEP team members were present during the May 20, 2022 and June 1, 2022 IEP team meetings?

    e. failing to timely provide Student an assessment plan upon requesting assessments on April 20, 2022?

    f. failing to timely conduct the triennial re-evaluation assessments in all areas of need in May 2022?

g. failing to appropriately assess and reassess Student in all known areas or suspected areas of need as part of its "Child Find" obligations in the areas of:

i. Health?

ii. Recreational therapy?

iii. Assisted physical education?

h. failing to include the goals as stated in Student's October 25, 2021 independent educational evaluation for Functional Behavior Assessment in the December 8, 2021 IEP team meeting?

i. failing to accurately state Student's present level of performance during the June 1, 2022 IEP team meeting in the areas of :

i. Social emotional behavior?

ii. Fine and visual motor skills?

iii. Communication development?

iv. Gross motor skills?

j. failing to develop measurable goals during the June 1, 2022 IEP team meeting in the areas of:

i. Prevocational/commenting or asking questions?

ii. Attention?

iii. Auditory filtering?

iv. Executive function?

v. Fine motor skills?

vi. Gross motor skills?

vii. Social skills?

viii. Pragmatics/social inference?

k. failing to make an appropriate offer of services pursuant to the December 8, 2021, May 20, 2022, and June 1, 2022 IEP team meetings in the following areas:

i. Specialized academic instruction?

ii. Trained and qualified aide support?

iii. Speech and language therapy?

iv. Occupational therapy?

v. Behavioral support?

vi. Appropriate behavioral intervention plan?

vii. Assistive technology supports?

viii. Recreation therapy?

ix. Adapted physical education?

x. Counseling?

l. by failing to offer Student the following services in the extended school year 2021-2022:

i. Specialized academic instruction?

ii. Trained and qualified aide support?

iii. Speech and language therapy?

iv. Occupational therapy?

v. Behavioral support?

vi. Appropriate behavioral intervention plan?

vii. Assistive technology supports?

viii. Recreation therapy?

ix. Adapted physical education?

x. Counseling?

m. by failing to offer student transportation?

n. failing to offer research-based behavioral and instructional methodologies?

o. offering a predetermined placement and services during the December 8, 2021, May 20, 2022, and June 1, 2022 IEP team meetings?

p. failing to consider the findings of the occupational and functional behavior IEE reports during the December 8, 2021, May 20, 2022, and June 1, 2022 IEP team meetings?

2. During the 2022-2023 school year, including the extended school year, did Covina-Valley District deny Student a FAPE by:

a. failing to keep accurate records after the May 20, 2022, June 1, 2022, and June 1, 2023 IEP team meetings?

b. failing to present Parent a clear offer of placement before seeking parental consent during the May 1, 2022, June 1, 2022, and June 1, 2023 IEP team meetings?

c. failing to ensure the necessary IEP team members were present during the May 1, 2022, June 1, 2022, and June 1, 2023 IEP team meetings?

d. failing to appropriately assess and reassess Student in all known areas or suspected areas of need as part of its "Child Find" obligations in the areas of:

i. Health?

ii. Recreational therapy?

iii. Assisted physical education?

e. failing to accurately state Student's present level of performance during the June 1, 2022 IEP team meeting in the areas of:

i. Social emotional behavior?

ii. Fine and visual motor skills?

iii. Communication development?

iv. Gross motor skills?

f. failing to develop measurable goals during the June 1, 2022 IEP team meeting in the areas of:

i. Prevocational/commenting or asking questions?

ii. Attention?

iii. Auditory filtering?

iv. Executive function?

v. Fine motor skills?

vi. Gross motor skills?

vii. Social skills?

viii. Pragmatics/social inference?

g. failing to make an appropriate offer of services in the following areas pursuant to the June 1, 2022 IEP team meetings:

i. Specialized academic instruction?

ii. Trained and qualified aide support?

iii. Speech and language therapy?

iv. Occupational therapy?

v. Behavioral support?

vi. Appropriate behavioral intervention plan?

vii. Assistive technology supports?

viii. Recreation therapy?

ix. Adapted physical education?

x. Counseling?

h. by failing to offer Student the following services in the extended school year 2022- 2023:

i. Specialized academic instruction?

ii. Trained and qualified aide support?

iii. Speech and language therapy?

iv. Occupational therapy?

v. Behavioral support?

vi. Appropriate behavioral intervention plan?

vii. Assistive technology supports?

viii. Recreation therapy?

ix. Adapted physical education?

x. Counseling?

i. failing to accurately state Student's present levels of performance during the June 1, 2023 IEP team meeting in the areas of :

i. Preacademic/academic/functional skills?

ii. Communication development?

iii. Gross/fine motor development?

iv. Social emotional/behavioral?

v. Vocational?

vi. Adaptive/daily living skills?

vii. Health?

j. failing to develop measurable goals during the June 1, 2023 IEP team meeting in the areas of:

i. Reading comprehension?

ii. Mathematics?

iii. Receptive/expressive language?

iv. Social emotional?

k. failing to conduct a legally compliant assessment in the following areas:

i. Psycho-education assessment dated May 25, 2023?

ii. Academic assessment dated May 16, 2023?

iii. Language and speech assessment dated June 1, 2023?

iv. Occupational therapy assessment dated June 1, 2023?

l. failing to provide Student a school environment free from harassment and bullying on September 12, 2022 and October 5, 2022?

m. failing to review the Assisted Technology assessment report dated July 17, 2023 in a timely manner?

n. failing to offer research-based behavioral and instructional methodologies?

o. offering a predetermined placement and services during the June 1, 2022 and June 1, 2023 IEP team meetings?

p. failing to consider the findings of the occupational and functional behavior IEE reports during the June 1, 2022 and June 1, 2023 IEP team meetings?

q. failing to consider the findings of the psycho-educational IEE report during the June 1, 2022 and June 1, 2023 IEP team meetings?

3. During the 2023-2024 school year, did Covina-Valley District deny Student a FAPE by:

    a. failing to appropriately assess and reassess Student in all known areas or suspected areas of need as part of its "Child Find" obligations in the areas of:

        i. Health?

        ii. Recreational therapy?

        iii. Assisted physical education?

    b. failing to allow parent participation in the IEP process by keeping inaccurate records of Student's after the June 1, 2023 IEP meetings?

    c. failing to present Parent a clear offer of placement before seeking parental consent during the June 1, 2023 IEP team meetings?

    d. failing to review the Assisted Technology assessment report dated July 17, 2023 in a timely manner?

    e. failing to accurately state Student's present levels of performance

    during the June 1, 2023 IEP team meeting in the areas of :

        i. Preacademic/academic/functional skills?

        ii. Communication development?

        iii. Gross/fine motor development?

        iv. Social emotional/behavioral?

        v. Vocational?

        vi. Adaptive/daily living skills?

        vii. Health?

f. failing to develop measurable goals during the June 1, 2023 IEP team meeting in the areas of:

i. Reading comprehension?

ii. Mathematics?

iii. Receptive/expressive language?

iv. Social emotional?

g. failing to conduct a legally compliant assessment in the following areas:

i. Psycho-education assessment dated May 25, 2023?

ii. Academic assessment dated May 16, 2023?

iii. Language and speech assessment dated June 1, 2023?

iv. Occupational therapy assessment dated June 1, 2023?

h. failing to offer research-based behavioral and instructional methodologies?

i. failing to offer transportation?

j. offering a predetermined placement and services during the June 1, 2023 IEP team meetings?

k. failing to consider the findings of the occupational and functional behavior IEE reports during the June 1, 2023 IEP team meetings?

l. failing to consider the findings of the psycho-educational IEE report during the June 1, 2023 IEP team meetings?

PARTY ISSUE REVIEW RESPONSIBILITY AND DISPUTE NOTIFICATION

The parties are responsible for carefully reviewing the issues as stated in this prehearing conference order. These will be the issues considered at hearing. A party

believing that an issue has been misstated or improperly omitted shall promptly file a notice in writing, prior to the first day of hearing, stating its concern and referring to supporting portions of the complaint.

PROPOSED RESOLUTIONS

Student's resolution requests include:

1. District shall place Student in a placement appropriate to his needs, which may include a nonpublic school, that has a small, highly-structured environment with the appropriate aids, supports and therapeutic interventions.

2. The District shall provide intensive LAS services through a highly-trained and highly-qualified NPA provider with expertise in treating children with needs like Student.

3. The District shall provide clinic-based OT 3. services through a highly-train Student.

4. The District shall provide intensive, 1:1 behavior intervention service through a highly trained and highly qualified NPA provider throughout Student's school day.

5. The District shall fund supervision hours for Student's intensive, 1:1 behavior intervention program. Compensatory education, including reimbursement, if any, according to proof.

6. The District shall develop an appropriate behavior intervention plan through a

    a. highly-trained and highly-qualified NPA provider.

7. District shall provide intensive AT devices, training, and services through a highly trained and highly-qualified NPA provider with expertise in treating children with needs like Student.

8. District shall provide intensive age-appropriate recreation therapy services through a highly-trained and highly-qualified NPA provider with expertise in treating children with needs like Student.

9. The District shall provide APE services through a highly-trained and highly qualified NPA provider with expertise in treating children with needs like Student.

10. The District shall provide counseling services through a highly-trained and highly qualified NPA provider with expertise in treating children with needs like Student.

11. The District shall fund an IEE in the areas of academics, functional behavior, speech and language therapy, auditory processing, OT, assistive technology, recreation therapy, APE, and social-emotional functioning and mental health.

12. The District shall develop an appropriate IEP with all necessary team members included.

13. The District shall pay for compensatory education costs, including reimbursement, if any, according to proof.

14. The District shall reimburse Student's attorney's fees and costs

15. Any other relief the court deems just and necessary.

District filed its response to Student's complaint on December 27, 2023. (*M.C. v. Antelope Valley Union High School Dist.* (9th Cir. 2017) 858 F.3d 1189, 1199-1200.)

EXHIBITS

Exhibits must be uploaded electronically according to the Order Setting Procedures for Filing Exhibits Electronically. Timely uploading electronic hearing exhibits five business days before the first day of hearing constitutes that party's timely exchange of evidence in compliance with Education Code section 56505, subdivision (e)(7). If further assistance is needed regarding exhibit uploads, please contact OAH at OAHSEOps@dgs.ca.gov. It is not necessary to file exhibits or witness schedules with OAH if they have been uploaded into Case Center.

Except for good cause shown, or unless used solely for rebuttal or impeachment, any exhibit not timely exchanged as required by Education Code section 56505, subdivision (e)(7) and this order, shall not be admitted into evidence at the hearing unless the ALJ rules that it is admissible.

IDENTIFYING EXHIBITS AND PAGE NUMBERS

Each exhibit must be identified by a letter and number. Student must use the letter S before the number to identify Student's exhibits for example, S-1, S-2, etc. Covina-Valley Unified School District must use the letter D before the number to identify Covina-Valley Unified School District's exhibits, for example, D-1, D-2 etc. A cover sheet with this identifying letter and number should be the first page of each exhibit. The electronic evidence program will automatically number the exhibits and additional page numbering or bates stamping should not be added.

EXHIBIT CONTENT

Each exhibit must consist of one document. Separate documents may not be combined into one exhibit. Emails or letters may be consolidated into one exhibit if they are part of a single chain of messages. Exhibits should be in chronological order.

Parties should include resumes or curriculum vitae for each witness expected to testify as an expert.

Covina-Valley Unified School District's exhibits must include a copy of the school calendar for each school year in question as well as the current school year.

Electronic copies of exhibits filed with OAH shall be filed by 5:00 PM at least five business days before the first day of hearing. Please refer to the General Order OAH issued with the Scheduling Order that contains the Order Setting Procedures for Filing Exhibits Electronically. It includes instructions for how to file exhibits electronically. Beginning three business days before the hearing, the electronic evidence system will not allow parties to upload exhibits unless permitted by the ALJ during the hearing at the ALJ's discretion.

WITNESSES

The parties shall serve their list of witnesses on each other in compliance with Education Code section 56505. No party shall be permitted to call any witnesses not timely disclosed except for good cause shown, supported by written declaration under penalty of perjury, and at the discretion of the ALJ.

Parties are responsible for ensuring that all participants are familiar with and follow the Instructions for Joining the Online Due Process Hearing provided with this Order. Participants who have not previously used the Zoom application, may find

informative instructions on at by visiting, Getting Started with Zoom at https://support.zoom.us/hc/en-us/categories/200101697.

The parties are responsible for ensuring that witnesses join the virtual hearing room at the designated date and time to testify. Witnesses are required to join the due process hearing by computer and appear by videoconference unless they do not have the necessary computer equipment. If a witness does not have the necessary equipment, the ALJ may permit the witnesses to appear by audio only or by telephone. "Audio only" means using a computer without video. A witness's inability to attend the hearing by videoconference will be discussed at the start of the hearing.

The parties are responsible for producing their own witnesses unless otherwise ordered by the ALJ. Parties shall make witnesses under their control reasonably available. The parties must schedule their witnesses to avoid delays in the hearing and to minimize or eliminate the need for calling witnesses out of order.

The ALJ has discretion to limit the number of witnesses and the time allowed for testimony. Education Code section 56505.1, subdivision (h), empowers the ALJ to set a reasonable limit on the length of the hearing after consideration of four factors. The first two factors are the issues to be heard and the complexity of facts to be proven. The second two factors are the ability of the parties or their representatives to present their respective cases and the parties' estimates of the time needed to present their cases.

MEET AND CONFER

The parties are encouraged to review and shorten their witness and exhibit lists before the hearing. Evidence may be excluded if it is repetitive, cumulative, or does not help the judge to understand a parties' arguments. The judge may also refuse to hear

evidence if the evidence is too time consuming to justify the time it would take to hear compared to the value of the information it will provide to the judge.

The parties are ordered to meet and confer no later April 30, 2024, by 5:00 PM to discuss:

- how many witnesses each side will most likely call and how many of those witnesses are on both sides' witness lists;
- scheduling witnesses and an estimate of how much time each side will need to question a witness;
- any concerns related to a witness's inability to appear by videoconference for hearing, use the electronic evidence program Case Center, or the need for witness subpoenas, if any; and
- whether duplicate exhibits can be eliminated by comparing the documents each side wants the judge to consider.

As part of the meet and confer process, Covina-Valley Unified School District will inform Student whether witnesses Student wishes to call are current Covina-Valley Unified School District employees. Each side will inform the other whether witnesses under their control must be subpoenaed instead of just given notice to attend the hearing on a certain date and time. Covina-Valley Unified School District may agree to accept service for a witness under its control or provide Student with the witness's most recent contact information.

PARTICIPANT INFORMATION FORM

Both parties must ensure OAH has current contact information for all hearing participants and witnesses, including email addresses and telephone numbers. Updated

Participant Information forms are required if a party or witness's contact information is not current. Updated forms must be filed two business days before the hearing starts.

The Participant Information Form is not served upon the opposing party. The ongoing obligation to ensure that the Participant Information Form filed with OAH is current does not change the parties' statutory obligation to timely disclose their witnesses to the other party(s) at least five business days prior to hearing. The parties must file an updated Participant Information Form to inform OAH of any changes, additions, or deletions, including the required information no later than 5:00 PM at least two business days before the first day of hearing.

Any contact information provided shall be used for the limited purpose of issuing subpoenas or for contacting a witness to attend the hearing. Any contact information shall not be disclosed to any other person.

EVIDENCE PRESENTATION

In an administrative proceeding, the burden of proof is ordinarily on the party requesting the hearing. (*Schaffer v. Weast* (2005) 546 U.S. 49, 62.) In this case, Student requested the hearing and bears the burden of proof. Student's case shall be presented first, followed by Covina-Valley Unified School District unless otherwise ordered.

WITNESS SCHEDULE

The parties must provide a proposed witness schedule to the ALJ on the first day of hearing. The schedule should include:

- the first and last name of all witnesses, the parties believe will be called;
- the witnesses' title;
- which party is calling the witness to testify;

- the date the witness will testify; and
- the hours each witness is expected to testify.

In the event an agreement cannot be reached, each party shall prepare a separate written list. Student must have witnesses available to start the case.

At the beginning of the hearing, the ALJ and the parties will discuss the length of time anticipated for each witness and scheduling issues for individual witnesses. The ALJ will finalize the witness schedule. Parties must be prepared at the end of each day to discuss the witnesses to be presented the next day and the estimated time for the testimony of each witness.

SCOPE OF WITNESS EXAMINATION

Each witness will be called to testify only once, unless needed for rebuttal purposes. All parties must ask the witness all necessary questions when the witness is first called to testify. Requiring a witness to appear only once takes priority over the order in which parties present their case-in-chief.

AUDIO ONLY OR TELEPHONIC TESTIMONY

Whether a witness may appear by audio only or telephone instead of videoconference is a matter within the discretion of the ALJ. (Cal. Code Regs., tit. 5, § 3082, subd. (g).) Any party seeking to present a witness by audio only or telephone shall request permission to do so before the hearing. Any party seeking to present a witness who cannot access exhibits electronically must inform the ALJ at the beginning of the hearing.

ELECTRONIC RECORDINGS

AUDIO RECORDING

The parties' joint request to make an audio recording of the hearing is granted.

Permission to make an audio recording is subject to the ALJ's discretion and based upon the following conditions:

1. the OAH recording is the only official recording;
2. the parties shall turn their recording device off at the same time that the ALJ is off the record to avoid recording conversations while off the record;
3. problems with the party's recording mechanism will not be allowed to delay the hearing;
4. a party's recording may not be given, provided or played to a witness, or potential witness; and the recording shall not be shared with any non-party, possible witness, or posted online;
5. participants shall not take screenshots of the videoconference nor share or publish any portion of the videoconference or audio recording; and
6. all internal comment and chat features of Zoom have been disabled for purposes of the hearing. Use of any of these features is prohibited and shall not be part of the official record.

VIDEO RECORDING

No party, witness, or anyone else may videorecord any part of the proceedings or stream the proceedings live through any means.

RECORDINGS AS EXHIBITS

Neither side anticipates uploading a video or audio of the IEP or any other type of recording as an exhibit. Recordings may not be uploaded electronically without the ALJ's permission. However, they must still be exchanged in a timely manner. The ALJ has discretion to admit or exclude evidence in the form of a recording. Any request to submit a recording shall be considered at the time of hearing. Any party offering a portion of a recording must establish its relevance and the speakers by admissible evidence. The ALJ may request a transcript of the portion of the recording requested or have the party offering the recording to provide an exact identifiable portion of the recording the party seeks to admit. If a recording is offered as an exhibit, any other portion of the recording may be offered by the opposing party if relevant, to establish the context, or to rebut, the recording.

COMPENSATORY EDUCATION OR REIMBURSEMENT

Any party seeking reimbursement for expenditures shall present admissible evidence of these expenditures, or a stipulation to the amount of the expenditures. A party seeking compensatory education should provide evidence regarding the type, amount, duration, and need for any requested compensatory education. Documents offered as evidence to support a request for reimbursement must be separated by vendor.

MOTIONS

Covina-Valley District contemplates filing a motion to continue the due process hearing based on a scheduling conflict with OAH case number 2023100216. Any motion that was not filed three business days before the PHC, shall be supported by a

declaration under penalty of perjury establishing good cause why the motion was not timely filed.

STIPULATIONS

Stipulations to pertinent facts, contentions, resolutions and authenticity and admissibility of documents are encouraged. Any proposed stipulation shall be submitted to the assigned ALJ in writing prior to the start of the hearing.

CONDUCT OF PARTICIPANTS AND HEARING ROOM DECORUM

All participants to the videoconference should observe the same decorum as in an in-person due process hearing. Participants must conduct themselves in a professional and courteous manner at all times. Cellular phones, telephones and computer notifications must be shut off or set to silent during the hearing unless the ALJ grants permission otherwise. Participants should appear from a private location, unless otherwise ordered. Participants should take reasonable efforts to minimize background noise and maintain adequate room lighting. Use of virtual background images are at the discretion of the ALJ. Witnesses are prohibited from reading exhibits, documents, notes, text messages, telephones or computers while testifying, unless permitted to do so by the ALJ. The parties, their representative and witnesses are prohibited from passing notes to, exchanging electronic messages with, or signaling the witness in any way while the witness is testifying.

LANGUAGE INTERPRETERS AND REASONABLE ACCOMMODATIONS

None of the parties requested an interpreter. Nor did any of the parties anticipate a need for disability accommodations. A party or participant in this case, such as a witness, requiring reasonable accommodation to participate in a mediation or

hearing may contact OAH at (916) 263-0880, or send an email to OAHADA@dgs.ca.gov as soon as the need is known. The e-mail should have "Request for Accommodation" in the Subject Line. Additional information concerning requests for reasonable accommodation is available on OAH's website at: https://www.dgs.ca.gov/OAH/Services/Page-Content/Office-of-Administrative-Hearings-Services-List-Folder/Request-Reasonable-Accommodations-for-OAH-Legal-Proceedings.

HEARING CLOSED TO THE PUBLIC

Student did not request the hearing to be open to the public. Therefore, this hearing is closed to the public.

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 if 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. At the same time, the parties should send the signature page of the signed agreement or a letter withdrawing the case to OAH by visiting OAH Secure e-file at https://www.applications.dgs.ca.gov/oah/oahsftweb.

If a full and final written settlement agreement is reached after 4:00 PM 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.

Dates for hearing will not be cancelled until the letter of withdrawal or signature page of the signed agreement has been received and processed 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 the matter settles subject to board approval, in addition to a signed copy of the signature page of the settlement agreement, the parties shall provide the date of the next board meeting. The hearing dates will not be cancelled without this information.

FAILURE TO COMPLY

The failure to comply with this Order may result in the exclusion of evidence or other sanctions.

ORDER INCLUDES ALL RULINGS

This Order includes all rulings made at the prehearing conference. Any discussion and conversation not referenced in this Order is not binding on the ALJ conducting the hearing and may not be relied upon by the parties. The parties should be aware that, at hearing, the ALJ conducting the hearing has discretion to reconsider any part of this Order.

IT IS SO ORDERED.

Thanayi Lindsey
Thanayi Lindsey (May 2, 2024 12:37 PDT)

Thanayi Lindsey
Administrative Law Judge
Office of Administrative Hearings