BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENTS ON BEHALF OF STUDENT, v. POWAY UNIFIED SCHOOL DISTRICT,	OAH Case No. 2018060763
POWAY UNIFIED SCHOOL DISTRICT, v. PARENTS ON BEHALF OF STUDENT.	OAH Case No. 2018080048 ORDER FOLLOWING PREHEARING CONFERENCE; ORDER GRANTING MOTION TO SET MEDIATION AND TO CONTINUE THE PREHEARING CONFERENCE AND DUE PROCESS HEARING

On August 20, 2018, a telephonic prehearing conference was held before Administrative Law Judge Darrell Lepkowsky, Office of Administrative Hearings. Paul Hefley, Attorney at Law, appeared on behalf of Student. Justin Shinnefield, Attorney at Law, appeared on behalf of Poway Unified School District. The ALJ recorded the PHC.

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

1. Hearing Dates, Times, and Location. On August 15, 2018, the parties filed a joint request to set mediation date and to continue the PHC and due process hearing. At the PHC, Poway stated that it is unavailable for hearing in November as its attorney has two hearings a week presently scheduled for each week that month except for the week of Thanksgiving. Good cause having been shown, the joint motion to continue is granted. This matter is continued as follows:

Mediation: October 15, 2018, at 9:30 a.m. to 1:00 p.m. at Poway's offices located at 15250 Avenue of Science, San Diego, California, 92128

Telephonic Prehearing Conference: December 3, 2018, at 1:00 p.m.

Due Process Hearing: December 11, 12, 13, 18, and 19, 2018, and continuing day to day, Monday through Thursday, at the discretion of the ALJ. The hearing shall take place at **Poway's offices at the address indicated above.** The hearing shall begin at 9:30 a.m. on December 11 and December 18, 2018, and at 9:00 a.m. all other days, unless otherwise ordered.

2. **Please note the following:**

A. Absent extenuating circumstances, supported by declaration, no further continuances shall be granted.

B. Any further motions must be filed at least three business days prior to the continued prehearing conference, or good cause must be established as to why the motion was not timely filed.

C. The parties are not required to submit new PHC statements unless they need to amend those previously submitted. Any new PHC statement must be filed no later than three business days prior to the next prehearing conference.

3. 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.applications.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.

IT IS SO ORDERED.

DATE: August 21, 2018

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