

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

MT. DIABLO UNIFIED SCHOOL  
DISTRICT,

v.

STUDENT.

OAH CASE NO. 2009080174

ORDER FOLLOWING PRE-HEARING  
CONFERENCE

On August 26, 2009, a telephonic prehearing conference (PHC) was held before Administrative Law Judge (ALJ) Peter Paul Castillo, Office of Administrative Hearings (OAH). Mathew Juhl-Darlington, Attorney at Law, appeared on behalf of the Mt. Diablo Unified School District (District). Mother appeared on behalf of Student.<sup>1</sup> The PHC was recorded.

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

1. Hearing Dates, Times, and Location. The PHC and hearing are continued on motion of the District. The PHC shall be conducted telephonically on September 21, 2009, at 1:30 p.m. and OAH shall initiate the PHC. The hearing shall take place on September 28, 29 and 30, 2009. The hearing shall begin each day at 9:30 a.m. and end at 5:00 p.m., unless otherwise ordered, at 1936 Carlotta Drive, Special Education Annex, Room 24 Concord, California.

The parties shall immediately notify all potential witnesses of the hearing dates, and shall subpoena witnesses if necessary, to ensure that the witnesses will be available to testify. A witness will not be regarded as unavailable for purposes of showing “good cause” to continue the hearing if the witness is not properly notified of the hearing date or properly subpoenaed, as applicable.

2. On August 14, 2009, Student submitted a letter to the District and OAH, which stated that he exited himself from the District. Because of ambiguities in Student’s letter, by September 2, 2009, the District will inform Student of his rights pursuant to Title 34 Code of Federal Regulations, part 300.300(b), to exit from special education services provided by the

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<sup>1</sup> Student is over the age of 18 and retains his own educational rights. However, OAH was not able to reach Student by telephone, and Mother has assisted Student in prior educational disputes with the District.

District. If Student wishes to exit himself from special education services, Student shall reply to the District and OAH by September 9, 2009, and the District shall dismiss this action.

IT IS SO ORDERED.

Dated: August 27, 2009

/s/

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PETER PAUL CASTILLO  
Administrative Law Judge  
Office of Administrative Hearings