

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

STUDENT,

vs.

IRVINE UNIFIED SCHOOL DISTRICT,
ORANGE COUNTY DEPARTMENT OF
EDUCATION, AND CALIFORNIA
DEPARTMENT OF EDUCATION

OAH CASE NO. 2009090943

ORANGE COUNTY DEPARTMENT OF
EDUCATION ,

vs.

STUDENT.

OAH CASE NO. 2009100565

ORDER FOLLOWING PREHEARING
CONFERENCE

On November 2, 2009, a telephonic prehearing conference (PHC) was held before Administrative Law Judge (ALJ) Susan Ruff, Office of Administrative Hearings (OAH). Patricia Cromer, Esq. appeared on behalf of Student. Courtney Brady, Esq., appeared on behalf of the Irvine Unified School District (District). Karen Van Dijk, Esq., appeared on behalf of Orange County Department of Education. Michael Hersher, Esq., appeared on behalf of the California Department of Education (CDE). The PHC was recorded.

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

1. Hearing Date, Time, and Location. The hearing shall be held on November 12, 2009, starting at 10:00 a.m. The hearing location shall be the Office of Administrative Hearings, 23046 Avenida De la Carlota, Suite 750, Laguna Hills, California 92653.

2. Issue. The sole issue for the due process hearing is as follows: Which educational agency is responsible for providing a free appropriate public education (FAPE) for Student?

3. Exhibits. The parties have agreed to file a joint exhibit book. That book will be filed with the Laguna Hills Office of Administrative Hearings on or before Monday, November 9, 2009.

4. Witnesses. The parties have agreed to file a stipulated statement of facts. That stipulation will be filed with the Sacramento Office of Administrative Hearings by the close of business on Wednesday, November 4, 2009. Because this matter will be based on stipulated facts, the parties do not anticipate the need to call any witnesses at the hearing. Instead, the parties will submit trial briefs prior to the hearing date and conduct oral argument on the day of hearing.

5. Order of Oral Argument. This matter is consolidated. The order of presentation of oral argument shall be as follows: Student; Orange County Department of Education; the District; and CDE. Each party will have an opportunity to give rebuttal argument after the other parties have finished their argument. Counsel for CDE has requested and received permission to make a telephonic appearance in this matter.

6. Briefing schedule: Each party shall have until the close of business on Monday, November 9, 2009, to file a written trial brief in this matter. The brief shall be no longer than 15 pages, double-spaced, on pleading paper, shall be filed by fax with the Sacramento Office of Administrative Hearings, and shall be served on all other parties.

IT IS SO ORDERED.

Dated: November 2, 2009

/s/

SUSAN RUFF
Administrative Law Judge
Office of Administrative Hearings