

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH CASE NO. 2011120452

v.

LUCIA MAR UNIFIED SCHOOL DISTRICT,

LUCIA MAR UNIFIED SCHOOL DISTRICT,

OAH CASE NO. 2012030796

v.

PARENT ON BEHALF OF STUDENT.

ORDER IMPOSING HEARING TIME
LIMITS

The due process hearing began in this matter on May 29, 2012, at approximately 3:30 p.m.¹ The hearing continued on May 30, and May 31, 2012. The hearing was then continued to 1:30 p.m. on June 4, 2012. It is anticipated that the matter will then continue on June 5-7, 2012, commencing at 9:00 a.m. on those dates. Each day shall conclude at 5:00 p.m., unless otherwise ordered.

Following the last witness on May 31, 2012, the District asked that time limits be imposed so that the hearing could be concluded as scheduled on June 7, 2012. The undersigned agreed to impose time limits in a manner that would give each party an equal amount of time to present its case, including the time already expended for opening statements and the presentation of oral and documentary evidence. She noted that the issue for Student is whether an individualized education program (IEP) for Student dated January 18, 2012 was properly implemented by the District, specifically in terms of behavior plans and placement of Student in the least restrictive environment (LRE), and the District's issue is whether its IEP offer of February 3, 2012, met Student's unique needs and would provide him with a free appropriate education in the LRE. Given the limited nature of the issues to be determined in this case, a total of five full days and two half days seems to be more than sufficient time for the parties to present their cases.

¹ The hearing was scheduled to begin at 1:30 p.m., but there was a two hour delay because an interpreter was required. The matter was also delayed for one hour and 15 minutes on May 31, 2012, while the parties again waited for an interpreter.

The ALJ has calculated the time used by the parties in making opening statements and questioning witnesses up to this time. It is also noted that the parties have spent some time during the hearing meeting and conferring about evidence and exhibits, and have already stipulated to some facts and the admission of several documents, which has also reduced the time that might otherwise be necessary for each party to present its case. Student has so far expended eight hours and 53 minutes presenting his case. The District has spent two hours and eight minutes presenting its case.

It is estimated that there are approximately three hours and 10 minutes of time for hearing available on June 4, 2012, if one includes a 20 minute break, and six hours and 20 minutes of hearing time for each of the remaining three days, which contemplates two 20 minute breaks and one hour for lunch. Accordingly, Student has seven hours and seven minutes remaining to present his case, and the District has 14 hours and 22 minutes remaining to present its case.

The parties are urged to meet and confer about witnesses and scheduling for the week of June 4, 2012, and encouraged to enter into further stipulated agreements about facts and evidence.

IT IS SO ORDERED.

Dated: June 1, 2012

/s/

REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings