

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2014050963

ORDER FOLLOWING PRE-HEARING
CONFERENCE, GRANTING
REQUEST TO CONTINUE
MEDIATION AND DENYING
MOTION FOR STAY PUT WITHOUT
PREJUDICE

On July 3, 2014, a telephonic prehearing conference (PHC) was held before Administrative Law Judge (ALJ) Laurie Gorsline, Office of Administrative Hearings (OAH). Parent appeared on behalf of Student (Student). Donald Erwin, Attorney at Law, appeared on behalf of Los Angeles Unified School District (District). The PHC was recorded.

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

1. Hearing Dates, Times, and Location. On June 26, 2014, District filed a Request for Continuance of the Mediation Date from June 25 to July 22, 2014 after Parent cancelled the June 25, 2014 mediation due to a family emergency. At the PHC, both parties requested a continuance of the mediation, PHC and hearing dates to permit the parties an opportunity to mediate.

Good cause having been shown, the hearing was continued and shall take place on September 9, 10, and 11, 2014, and continue day to day, Monday through Thursday, as needed at the discretion of the ALJ. The hearing shall begin each day at 9:00 a.m. and end at 5:00 p.m. with the exception of the first day of hearing, on which day the hearing shall begin at 9:30 a.m., unless otherwise ordered.

The hearing shall take place at 15350 Sherman Way, Suite 300, Van Nuys, CA 91406.

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. Mediation Date. District's request for continuance of the mediation date from June 25 to July 22, 2014 was granted.

The mediation was continued to July 22, 2014 at 1:30 p.m. The mediation shall take place at 333 S. Beaudry Ave., 17th Floor, Los Angeles, CA 90017.

3. PreHearing Conference. The telephonic PHC was continued to August 29, 2014 at 10:00 a.m. OAH will initiate the conference call. PHC statements shall be filed with OAH and served by the parties no later than August 26, 2014.

4. Stay Put Motion. Student's Request for Mediation and Due Process Hearing filed on May 19, 2014 contains a sentence seeking to have Student remain at Western Elementary School with transportation. The ALJ interprets this as a motion for stay put. After a discussion on the record, the Student's motion was denied without prejudice because there was insufficient information for the ALJ to either grant or deny the request on the merits. Parent may file a motion for stay put which motion shall fully explain the basis for the stay put request and attach a copy of the last agreed upon and implemented Individualized Education Program (IEP).

5. 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 FAX THE SIGNATURE PAGE OF THE SIGNED AGREEMENT OR A LETTER WITHDRAWING THE CASE TO THE OAH AT THE FAXINATION LINE at 916-376-6319.

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.

6. Failure to comply with this order may result in the exclusion of evidence or other sanctions.

IT IS SO ORDERED.

DATE: July 07, 2014

/s/

LAURIE GORSLINE
Administrative Law Judge
Office of Administrative Hearings