

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

BONITA UNIFIED SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2014090456

ORDER FOLLOWING PREHEARING
CONFERENCE AND GRANTING
CONTINUANCE OF MEDIATION,
PREHEARING CONFERENCE AND
DUE PROCESS HEARING DATES

On October 3, 2014, a telephonic prehearing conference was held before Administrative Law Judge Kara Hatfield, Office of Administrative Hearings. Karen Gilyard, Attorney at Law, appeared on behalf of Bonita Unified School District. Jane DuBovy, Attorney at Law, and advocate Carolina Watts appeared on behalf of Student. The PHC was recorded.

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

1. Hearing Dates, Times, and Location. All parties stipulated to a continuance of the matter based on conflicts of attorneys for both sides with the current hearing date. OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is granted. Accordingly, all dates are continued and this matter is calendared as follows:

Mediation:	November 13, 2014, 9:30 a.m. to 4:30 p.m. Bonita Unified School District 115 W. Allen Ave. San Dimas, CA 91773
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Prehearing Conference:	November 17, 2014 at 1:00 PM
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Due Process Hearing:	December 2-4 and December 8, 2014, and continuing 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 4:30 p.m. with the exception of December 2, 2014, on which day the hearing shall begin at 9:30 a.m., unless otherwise ordered. The hearing
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shall take place at District's office at 115 W. Allen Ave., San Dimas, CA 91773. District shall ensure the availability of parking for Student's parents, attorney, and the ALJ.

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. Issues. The issue at the due process hearing is listed below:

Whether District's offers of placement and services in the March 12, 2014 IEP, April 15, 2014 annual IEP, and May 27, 2014 amendment IEP constitute a free appropriate public education for Student.

3. Motions. Student's request to audio record the hearing is granted. Only the parties' attorneys may audio record the hearing, and they shall only audio record when the hearing is on the record. Only the ALJ's recording shall be deemed the official transcript of the hearing, unless otherwise ordered. The audio recording may only be used by the attorneys, may not be shared with others, may not be played to any witness, and may not be published or disseminated in any form or by any means.

4. 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 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.

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

IT IS SO ORDERED.

DATE: October 3, 2014

/s/

KARA HATFIELD
Administrative Law Judge
Office of Administrative Hearings