

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT on behalf of STUDENT,

vs.

MORENO VALLEY UNIFIED SCHOOL
DISTRICT,

OAH CASE NO. 2008120288 and
2009010604

MORENO VALLEY UNIFIED SCHOOL
DISTRICT,

vs.

PARENT on behalf of STUDENT.

OAH CASE NO. 2008120285

ORDER DENYING MOTION FOR
FURTHER TELEPHONIC
CONFERENCE

On June 4, 2009, Administrative Law Judge (ALJ) Elsa H. Jones, Office of Administrative Hearings (OAH), conducted the last day of the due process hearing in these consolidated matters by telephonic conference call. Tania Whiteleather, Attorney at Law, and Student's Mother appeared on behalf of Student and Parents. Jack B. Clarke, Jr. and Vivian Billups, Attorneys at Law, of Best Best & Krieger, LLP, appeared on behalf of the Moreno Valley Unified School District (District). Peggy Reed, the Director of Special Education for the District, also appeared on behalf of the District.

After having heard argument from the parties, the ALJ ordered that a settlement agreement the parties had entered into on September 10, 2008, be redacted in certain particulars, and that the redacted version, along with certain pages of OAH's mediation packet, be admitted as District's Exhibit 161A in these consolidated matters. District's counsel was ordered to create the redacted version of the settlement agreement, and to serve it on Student's counsel.

On July 2, 2009, Student filed his Motion for Further Telephonic Conference (Motion) because Student and District were not clear as to the redactions that the ALJ had ordered. On July 6, 2009, District filed a Joinder to the Student's Motion (Joinder.) The Motion indicates that Mr. Clarke had sent Ms. Whiteleather prior to June 15, 2009, a redacted version of the settlement agreement. Neither the Motion nor the Joinder explained why the parties waited in excess of two weeks to request a telephonic hearing to clarify the ALJ's order regarding the redaction. Neither the Motion nor the Joinder explained which portion of the redactions ordered by the ALJ was in question, or why it was in question.

The Motion is denied. There is no need to hold a telephonic hearing. The ALJ has redacted the settlement agreement in conformity with the order made during the telephonic hearing held on June 4, 2009, has attached it to the pages of the mediation packet ordered by the ALJ to be included in Exhibit 161A, has marked the exhibit as District's Exhibit 161A, and has received it into evidence. District's Exhibit 161A is attached hereto, for the parties' records.

IT IS SO ORDERED.

Dated: July 14, 2009

/s/

ELSA H. JONES
Administrative Law Judge
Office of Administrative Hearings