

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ELK GROVE UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2013020224

ORDER GRANTING EXTENSION OF
TIME TO FILE SUPPLEMENTAL
BRIEFING CONCERNING
STUDENT'S MOTION FOR STAY PUT
AND DISTRICT'S MOTION TO
DISMISS; AND **CONTINUING THE
PREHEARING CONFERENCE TO
MAY 8, 2013**

On April 11, 2013, the undersigned Administrative Law Judge issue an order directing the parties to submit supplemental briefs regarding Student's amended motion for stay put and Elk Grove Unified School District's (EGUSD's) motion to dismiss . According to the order, Student must file a written reply to EGUSD's opposition to Student's amended motion for stay put and motion to dismiss (reply) on or before 5:00 P.M. on April 17, 2013. The order also directed EGUSD to file its response (response) to Student's reply on or before 5:00 P.M. on April 24, 2013, as necessary.

On April 16, 2013, the attorney for Student, Laurene Bresnick, filed a request for extension of time to file its reply. Based on the request, Student has been unable to obtain relevant information, needed to file its reply, from the Alameda County Social Services Agency, Adoption Assistance Program (Alameda Adoption), the public agency that allegedly placed Student in a licensed children's institution within the geographical area covered by the EGUSD's Special Education Local Plan Area. Accordingly, Ms. Bresnick requested that she should be given up till April, 24 2013 to file Student's reply. District did not respond to Student's request.

The request for extension of time is reasonable, and is thus granted. **Accordingly, the April 11, 2013 order issued by the undersigned is modified as follows:**

ORDER

1. On or before **5:00 P.M. on April 24, 2013**, Student is ordered to file a written reply to EGUSD's opposition to Student's amended motion for stay put and motion to dismiss.

2. The written reply shall be accompanied by sworn declaration(s) regarding relevant facts, legal authorities and/or documentation necessary to resolve the question of who placed Student at Milhous.

3. The reply shall address the specific issues raised in EGUSD's opposition to Student's amended motion for stay put and motion to dismiss, including the following:

- a. Whether Student was privately and unilateral placed at Milhous by Student's mother pursuant to the funding agreement between Mother, Milhous and Alameda Adoption?
- b. Whether the funding agreement/arrangement creates a public agency placement under Education Code sections 56155 and 56156.4, subdivision (a)?
- c. Whether the Alameda County Social Services Agency considers itself the placing agency under Education Code sections 56155 and 56156.4, subdivision (a), or otherwise accepts responsibility for placing Student at Milhous as a public agency other than an educational agency pursuant to Education Code sections 56155 and 56156.4, subdivision (a)?
- d. If Student was privately and unilateral placed at Milhous by Student's mother, which educational agency is responsible for the education of Student while at Milhous?

4. As necessary, EGUSD shall file its response to Student's written reply, on or before 5:00 P.M. on **May 1, 2013**. Thereafter, Student may request leave from OAH to file a further reply to EGUSD's response to the Student's reply. Each brief, response or reply shall be supported by sworn declaration(s) as to relevant facts, legal authorities and/or documentation.

Order Continuing Prehearing Conference. The prehearing conference (PHC) in this case is currently scheduled for April 24, 2013. Because of the above change in the briefing schedule, April 24 is no longer a viable date for the PHC. Therefore, **the PHC is continued to May 8, 2013, at 1:30 P.M.**

IT IS SO ORDERED.

Dated: March 26, 2013

/s/

ADENIYI AYOADE
Administrative Law Judge
Office of Administrative Hearings