

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

VICTOR ELEMENTARY SCHOOL
DISTRICT AND HESPERIA UNIFIED
SCHOOL DISTRICT.

OAH CASE NO. 2014040478

ORDER FOLLOWING PREHEARING
CONFERENCE, SETTING
MEDIATION AND CONTINUING
PREHEARING CONFERENCE AND
HEARING

On May 23, 2014, a telephonic prehearing conference (PHC) was held before Administrative Law Judge (ALJ) Clifford H. Woosley, Office of Administrative Hearings (OAH). L. Frank Zankich, attorney at law, appeared on behalf of Student (Student). Vivian E. Billups, attorney at law, appeared on behalf of respondents Victor Elementary School District (Victor ESD) and Hesperia Unified School District (Hesperia USD). The PHC was recorded.

On May 21, 2014, Student filed a request to vacate the hearing dates and schedule a status conference in September 2014, after pending additional assessments and an individualized education program (IEP) team meeting. Respondents did not file opposition, or otherwise object, to Student's request. .

By Order dated May 22, 2014, Student's request was denied because OAH does not schedule status conferences in such situations. Also, even if construed as a request to continue the hearing, the motion would be denied because OAH requires a joint stipulation agreeing upon continued dates, or evidence that the requesting party consulted with the other parties and could not agree upon dates. The Order further stated that all dates remained as scheduled.

On May 22, 2014, OAH informed the parties that the prehearing conference would proceed as scheduled at 3:00 p.m., May 23, 2014, unless a joint stipulation for continuance was received by noon May 23, 2014. No stipulation to continue was filed and, therefore, ALJ Woosley convened the PHC.

Mediation and Continued Prehearing Conference and Hearing Dates:

Counsel for all parties requested a continuance of the PHC and hearing, as well as a mediation date, because of pending assessments and an IEP. This is the parties' first request

for continuance. The parties agreed upon dates. Good cause appearing, the request for a mediation date and a continuance of the PHC and hearing are granted as follows:

- Mediation: 9:30 a.m., September 23, 2014, at Hesperia USD, 15576 Mail Street, Hesperia, CA 92345
- Prehearing Conference: 3:00 p.m., September 26, 2014 (telephonic)
- Due Process Hearing: October 7 and 8, 2014, beginning at 9:00 a.m., except for the first day, which will begin at 9:30 a.m., at Hesperia USD, 15576 Mail Street, Hesperia, CA 92345

IT IS SO ORDERED.

DATE: May 23, 2014

/s/

CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings