

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

HEMET UNIFIED SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2014090404

ORDER FOLLOWING PREHEARING  
CONFERENCE AND CONTINUANCE  
OF DUE PROCESS HEARING

On October 3, 2014, a telephonic prehearing conference was held before Administrative Law Judge Judith L. Pasewark, Office of Administrative Hearings. Peter Sansom, Attorney at Law, appeared on behalf of Hemet Unified School District. Father appeared on behalf of Student. The PHC was recorded.

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

1. Hearing Dates, Times, and Location. The hearing is continued on motion of Student and shall take place on February 24, 25, and 26, 2015, 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., with the exception of the first day of hearing, on which day the hearing shall begin at 9:30 a.m., unless otherwise ordered.

A telephonic prehearing conference shall take place on February 13, 2015, at 1:00 p.m. OAH shall initiate the telephone call.

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. Motions. Father made three additional motions on behalf of Student:

a. Student's request for appointment of counsel at public expense is denied. Neither state nor federal law provide for appointment of counsel for students or parents at public expense. OAH, however will provide Father with a copy of a list of attorneys and advocates who handle special education matters.

b. Student's request for change of venue to the school site in Anza, California is reserved for ruling pending the next prehearing conference.

c. Student has requested the District forward all documents and communications to Student via e-mail. Student shall accept service of communications at the e-mail stated at the PHC. District shall provide proof of service via e-mail, which shall be accepted as valid service upon Student. OAH shall not provide copies of documents or communications via e-mail.

3. Settlement. The parties are encouraged to work together to reach an agreement before the due process hearing. District 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.

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.

4. 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/  
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JUDITH PASEWARK  
Administrative Law Judge  
Office of Administrative Hearings