

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

RIVERSIDE UNIFIED SCHOOL  
DISTRICT.

OAH Case No. 2015010507

ORDER FOLLOWING PRE-HEARING  
CONFERENCE OF APRIL 17, 2015;  
ORDER CONTINUING DUE PROCESS  
HEARING TO APRIL 21, 2015

On April 17, 2015, Administrative Law Judge Darrell Lepkowsky, Office of Administrative Hearings, held a continued telephonic prehearing conference in this matter. Attorney Sarah Gross appeared on behalf of Student. Attorney Jack B. Clarke, Jr. appeared on behalf of the Riverside Unified School District. The ALJ recorded the PHC.

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

1. This matter was originally continued from April 10, 2015, as the parties were finalizing a settlement. At today's prehearing conference they represented to the ALJ that they have settled the matter and just need to obtain party signatures. The hearing is presently scheduled to begin on Monday, April 20, 2015. Good cause appearing, the parties' request to go dark on April 20, 2015, and continue the hearing to Tuesday, April 21, 2015, is **GRANTED**. The parties are directed to submit their settlement agreement and necessary papers in support of vacating this matter as soon as possible.

2. The due process hearing shall begin on April 21, 2015, at 10:00 a.m., should the parties be unable to fully execute a settlement by that date. The hearing shall take place at Riverside Unified's offices located at **5700 Arlington Avenue, Riverside, California, 92504.**<sup>1</sup> The hearing shall start at 9:00 a.m. all other days and shall continue day to day, Monday through Thursday as needed at the discretion of the ALJ. The ALJ shall convene a prehearing conference on April 21, 2015, prior to the start of the hearing to review Student's issues and the hearing procedures.

---

<sup>1</sup> At a minimum, the hearing room shall have four or more separate tables capable of being moved into a courtroom configuration with an electrical outlet near the ALJ's table. Riverside Unified shall ensure that all parties, witnesses, and the ALJ have drinking water and tissue available to them, and that the hearing room and other facilities that will be used during the hearing are accessible in compliance with the Americans with Disabilities Act.

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.

3. 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 THE 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.

IT IS SO ORDERED.

DATE: April 17, 2015

/s/  
\_\_\_\_\_  
DARRELL LEPKOWSKY  
Administrative Law Judge  
Office of Administrative Hearings