

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SANTA MONICA-MALIBU UNIFIED
SCHOOL DISTRICT.

OAH CASE NO. 2015020659

ORDER FOLLOWING PREHEARING
CONFERENCE

On Friday, March 6, 2015, a telephonic prehearing conference was held before Administrative Law Judge Ted Mann, Office of Administrative Hearings. Jenny Chau, Attorney at Law, appeared on behalf of Student. Sundee Johnson, Attorney at Law, appeared on behalf of Santa Monica-Malibu Unified School District (District). The PHC was recorded.

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

1. Dismissal of Expedited Claims. During the PHC and on the record, Student's attorney withdrew the expedited claims, and requested that the expedited hearing dates be vacated. Student's counsel affirmatively and explicitly represented to the ALJ that Student was withdrawing any claims seeking relief under title 20 United States Code section 1415(k), other than as to a denial of FAPE in the alternative educational placement, generally. Student's attorney also stipulated that she would file an amended complaint as to the non-expedited claims. District's attorney affirmed and agreed to the foregoing on the record.

Accordingly, all claims in the complaint that seek relief under section 1415(k), including claims that District improperly placed Student in an alternative educational placement despite a finding that the conduct necessitating a manifestation determination was a manifestation of the Student's disability. All dates in the non-expedited portion of this matter are confirmed.

Nothing in this order shall prevent Student from raising the facts associated with the above-referenced claims during the non-expedited hearing for the purpose of establishing findings that District denied Student a free appropriate public education under the IDEA, or from seeking remedies other than those that might have otherwise been available to Student under section 1415(k).

IT IS SO ORDERED.

DATE: March 9, 2015

/s/

TED MANN
Administrative Law Judge
Office of Administrative Hearings