

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

FULLERTON SCHOOL DISTRICT AND
FULLERTON JOINT UNION HIGH
SCHOOL DISTRICT.

OAH CASE NO. 2014020217

ORDER GRANTING JOINT MOTION
TO BIFURCATE ISSUES AND
GRANTING JOINT MOTION TO
CONTINUE

On February 7, 2014, Parent on behalf of Student filed a Request for Due Process Hearing, naming Fullerton School District and Fullerton Joint Union High School District...

On March 18, 2014, the parties jointly filed a stipulation and request to sever or bifurcate issues and for separate, consecutive hearings. Fullerton School District is a kindergarten through eighth grade school district which Student attended until June 2013;

2. Fullerton Joint Union High School District is a ninth through 12th grade school which Student began attending in August 2013 and currently attends;

3. Issue One of Student's complaint alleges a denial of a free appropriate public education (FAPE) against Fullerton School District only for the period through June 2013;

4. Issue Two of Student's complaint alleges a denial of FAPE against Fullerton Joint Union High School District only for the period of August 2013 through the filing of this complaint

5. Issue Three of Student's complaint applies to both school districts but addresses allegations of violation of Student's federal and state civil and constitutional rights, none of which are within the jurisdiction of the Office of Administrative Hearings. If neither district moves to strike Issue Three, OAH may do so on its own motion.

Fullerton Joint Union High School District has no involvement in Issue One or the resolution of this issue with Fullerton School District. Likewise, Fullerton School District has no involvement in Issue Two or its resolution of issues with Fullerton Joint Union High School District. Each party has requested mediation; however, it does not appear that the matter will be resolved in a joint mediation. Further, the hearing will not utilize the same witnesses or the same issues for each district. Therefore, the representation and involvement of each school district in one hearing is neither necessary nor appropriate, and will not

further expediency or judicial economy. Accordingly, it is proper to bifurcate the hearing in this case.

A due process hearing must be held, and a decision rendered, within 45 days of receipt of the complaint, unless a continuance is granted for good cause. (Ed. Code, §§ 56502, subd. (f) & 56505, subd. (f)(1)(C)(3).)

Good cause exists for the continuance of this matter

ORDER

1. The joint motion of the parties to bifurcate the hearing is granted. One hearing will proceed as to Fullerton School District, and a second hearing will proceed as to Fullerton Joint Union High School District.

2. All dates previously set in this matter are vacated.

3. Issue One filed against Fullerton School District shall be scheduled as follows:

a. Mediation shall take place on April 17, 2014, at 9:30 a.m.;

b. A telephonic Prehearing Conference shall take place on July 7, 2014, at 1:00 p.m. The telephone call shall be initiated by OAH;

c. The hearing on Issue One against Fullerton School District shall take place on July 15, 16 and 17, 2014, commencing at 9:30 a.m.;

d. Mediation and hearing on Issue One shall take place at the Fullerton School District office located at 1401 W. Valencia Drive, Fullerton, CA 92833.

4. Issue Two filed against Fullerton Joint Union School District shall be scheduled as follows:

a. Mediation shall take place on June 19, 2014, at 9:30 a.m.;

b. A telephonic Prehearing Conference shall take place on July 11, 2014, at 10:00 a.m. The telephone call shall be initiated by OAH;

c. The hearing on Issue Two against Fullerton Joint Union High School District shall take place on July 21, 22, 23, and 24, 2014, commencing at 9:30 a.m.

d. Mediation and hearing on Issue Two shall take place at the Fullerton Joint Union High School District office located at 1051 W. Bastanchury Road, Fullerton, CA 92833.

5. Only one decision shall be issued on this matter comprising the issues raised in the complaint in its totality. The 45-day timeline for issuance of the decision in this matter shall recommence the day after the record closes in the hearing that is finished last.

DATE: March 19, 2014

/s/

JUDITH PASEWARK
Administrative Law Judge
Office of Administrative Hearings