

STATE OF OHIO
DEPARTMENT OF EDUCATION

IN THE MATTER OF: } Before the Impartial Hearing Officer,
 } Ronald E. Alexander, Esq.
THE IMPARTIAL DUE }
 }
PROCESS HEARING } **ORDER**
 } **SE 0000-2017**
 }
STUDENT: } **HEARING SCHEDULE**
 }
PETITIONERS: }
 }
 }
 } INDIVIDUALLY
 } and
 }
 } ON BEHALF OF THE
 } CHILD,
 }
 }
RESPONDENT: }
 }
 } SCHOOL
 }

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It is hereby **ORDERED** that:

1. All Motions (except Motions to Quash Subpoenas) must be delivered to the IHO by email at rea44@ronalexanderesq.com, with copy delivered to the other party, no later than 5:00 P.M. on October 13, 2017. Each Motion shall be accompanied by a supporting memorandum.

2. All responsive pleadings to Motions must be delivered to the IHO, with copy delivered to the other party, no later than 5:00 P.M. on October 20, 2017.

3. All requests for subpoenas and subpoenas duces tecum shall be filed with the IHO at rea44@ronalexanderesq.com, with copies delivered to the other party at the same time as filed with the IHO.

(a) Requests for subpoenas duces tecum shall be filed not later than 5:00 P.M. on October 6, 2017. Motions to quash subpoenas duces tecum shall be filed with the IHO not later than 5:00 P.M. on October 9, 2017. All subpoenas duces tecum shall specify that the documents and other items subject to such subpoena duces tecum shall be produced to the IHO at 8:30 A.M. on October 27, 2017 at [the address of the Disclosure Conference].

(b) Requests to subpoena an individual's testimony shall be filed with the IHO, with copy to the other party, no later than 5:00 P.M. on November 1, 2017. A party shall attach to each such subpoena a separate page that describes the topic(s) which would be addressed by that person's testimony, and shall identify the proposed witness as a fact

witness, expert witness or, if applicable, as both a fact and expert witness (the "Attachment"). If a witness is to testify as both an expert and fact witness, the party must describe in the Attachment pertaining to that individual the specific matters that the witness will address in each capacity. Motions to Quash such a subpoena request shall be delivered to the IHO, with copy delivered to the other party, no later than 5:00 p.m. on November 3, 2017. Each Motion to Quash shall be accompanied by a supporting memorandum.

4. Briefs. Pre-Hearing Briefs, although not required, may be submitted to the IHO, with copy to the other party, no later than forty-eight hours prior to the first day of the evidentiary hearing. Post-hearing briefs shall be filed with the IHO no later than 8:00 P.M. on January 8, 2018, by email at rea44@ronalexanderesq.com, with copy to the other party.

5. The Respondent and the Petitioner shall provide their respective list of witnesses to the IHO and to the other party at the commencement of the Disclosure Conference. A party's witness list must state the amount time, in minutes, that each witness will testify upon direct examination. A party's witness list shall also: (1) identify each witness by name; (2) state whether the witness is a fact witness, expert witness, or both; and (3) briefly describe the topic(s) of that individual's testimony. Below is an example of that required format for a party's witness list:

Witness Name:	Expert/Fact Witness:	Amount of Time for Testimony:	Topic(s):
John Smith	Fact	18 minutes	11/01/17 IEP's Goal #1 and Objective #1.2

6. The Disclosure Conference shall be conducted on October 27, 2017, commencing at 8:30 A.M. The Disclosure Conference shall be held at [address] in a meeting room at that location that is satisfactory for the purpose of conducting a Disclosure Conference.

7. Each party shall deliver to the other party and to the IHO, at the Disclosure Conference, their respective proposed exhibits. Those proposed exhibits shall be prepared in accordance with paragraph 11 of this Order.

8. The evidentiary hearing shall be conducted on November 15, 16, 17, 21, 28 and 29, 2017. The evidentiary hearing shall commence each day at 8:30 A.M., with a one-hour luncheon break, and shall recess at 5:30 P.M. The location of the evidentiary hearing shall be determined during the Disclosure Conference.

9. The Respondent shall arrange for a court reporter: (1) to be present during the entire Disclosure Conference and evidentiary due

process hearing; and (2) to prepare transcripts of the Disclosure Conference and the evidentiary due process hearing. The Respondent shall provide to the Petitioner, at no cost to the Petitioner, the transcript of the Disclosure Conference and the evidentiary due process hearing.

10. In the event that the request for this due process hearing is withdrawn by the Petitioner, the Petitioner shall forthwith provide to the IHO a written notice of withdrawal of Petitioner's request for this due process hearing.

11. All documents introduced into evidence at the evidentiary due process hearing shall be tabbed separately with an identifier (number or letter).

Each party's proposed exhibits shall contain an index of those documents to be introduced as exhibits at the evidentiary due process hearing. A party's proposed exhibits shall be page-numbered sequentially beginning with the number 1. For example, if a party's entire set of proposed exhibits totals one thousand and fifteen pages, then those pages shall be numbered sequentially, 1 through 1015. A party's exhibits shall be contained in a three-ring binder(s) that is (are) not more than two inches thick. Each binder shall be labeled in a manner that identifies the party as "Petitioner" or "Respondent," as applicable. If a party has more than one binder of exhibits, those binders shall also be labeled as "Binder I," "Binder II," etc., as applicable.

Each party shall provide a set of its tabbed and page-numbered exhibit binders to the IHO, a set to the other party, and a set to the court reporter.

12. All motions, requested subpoenas, responsive pleadings and motions to quash subpoenas shall be delivered to the IHO by email at rea44@ronalexanderesq.com. The deadline dates specified in this Order require that the IHO must receive the document by that deadline.

IT IS SO ORDERED:

Dated: September 18, 2017

Ronald E. Alexander
Impartial Hearing Officer

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Delivered to parties by Reg. U.S. Mail and by email to their counsel.