

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

BALDWIN PARK UNIFIED SCHOOL
DISTRICT & LOS ANGELES COUNTY
OFFICE OF EDUCATION.

OAH CASE NO. 2011090173

ORDER DENYING REQUEST TO
TAKE HEARING "OFF CALENDAR"

On November 21, 2011, Student filed a request to take the hearing in this matter "off calendar" because they have settled with one party and anticipate settling with the other.

OAH does not take matters "off calendar." For matters that settle outside of mediation where the settlement requires school board approval, OAH will vacate the dates and set a status conference if the following conditions are met: 1) the parties provide proof of the settlement by filing the signature page of the agreement; and 2) the parties provide the exact date of the school board meeting at which the settlement is to be discussed.

Here, as to BPUSD, Student did not provide an executed settlement agreement and school board meeting date. Even if Student does, if Student has not settled with the other respondent, Student needs to ask to dismiss BPUSD, not take the hearing "off calendar."

As to LACOE, OAH does not take hearings "off calendar" and the only procedure available would be a status conference following a settlement that requires board approval. Until such time as the parties actually execute a settlement agreement, the matter must stay on calendar.

Student's request is denied.

IT IS SO ORDERED.

Dated: November 21, 2011

/s/

RICHARD T. BREEN
Presiding Administrative Law Judge
Office of Administrative Hearings

