

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

PLACENTIA-YORBA LINDA UNIFIED  
SCHOOL DISTRICT.

OAH CASE NO. 2011090433

ORDER VACATING DUE PROCESS  
HEARING DATES AND ORDER  
SETTING STATUS CONFERENCE

On September 14, 2011, Parents on behalf of Student (Student) filed a Request for Due Process Hearing (complaint) naming the Placentia-Yorba Linda Unified School District (District) as respondent. The matter was continued on October 16, 2011 and January 13, 2012. The case was finally set to commence hearing on May 14-17 2012, and May 22, 2012.

On May 11, 2012, the parties filed a stipulated notice of settlement with a request to vacate due process hearing dates. The parties' stipulation indicated that they were circulating the settlement agreement for signatures and they requested a status conference be scheduled for June 21, 2012. The stipulation stated that Student anticipated withdrawing the complaint "early next week" and thus it was not clear what the parties intended by the aforementioned stipulation.

On May 14, 2012, OAH notified the parties of a telephone conference to be held at 1:00 p.m. to determine the status of the case. The undersigned Administrative Law Judge first placed a telephone call to District's Attorney, Daniel Harbottle, and could not reach him. The undersigned held a conference call with Roshni Ghandi, Student's attorney. The telephone conference was recorded. The undersigned noted that the stipulated request was not granted and OAH required further clarification of the status of the case. Ms. Roshni represented that the settlement agreement had been fully executed and it was Student's intention to request dismissal of the complaint. Ms. Ghandi represented that the Student would file a request for dismissal of the case by close of business today. The undersigned advised Ms. Ghandi that the hearing would go dark for today and would resume tomorrow unless a request for dismissal was filed immediately and by no later than the close of business today.

On May 14, 2012 following the telephone conference, Student filed a clarified notice of settlement and attached the signed settlement agreement with a request to vacate the hearing dates pending board approval at the next District board meeting scheduled prior to June 21, 2012.

Based upon the foregoing facts and new information, the request to vacate the hearing dates of May 14-17, 2012 and May 22, 2012 is granted. The matter will be set for a status conference on Wednesday June 27, 2012, at 11:00 a.m.

It is so ordered.

Dated: May 14, 2012

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STELLA OWENS-MURRELL  
Administrative Law Judge  
Office of Administrative Hearings