

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

TEMECULA VALLEY UNIFIED
SCHOOL DISTRICT.

OAH CASE NO. 2011090949

ORDER VACATING OSC RE:
SANCTIONS

On March 16, 2012, OAH issued an OSC re: Sanctions based on the parties' non-appearance at the scheduled hearing on March 14, 2012. On March 20, 2012, the parties filed a joint response in which they explained that they had complied with OAH procedure and filed a Notice of Settlement on March 8, 2012 and according to them, had subsequently explained the hearing status by telephone with an OAH staff member.

OAH has determined that, as demonstrated by the parties, OAH did not properly process the March 8, 2012, notice of settlement, which was the primary reason the hearing remained on calendar. To the extent the parties maintain that the hearing status was resolved by telephone conversations with OAH staff after March 8, 2012, there is a factual disagreement, and OAH believes the parties were contacted on March 13, 2012, but no response was received.

Regardless of the specifics of the telephone calls between support staff, sanctions are not warranted because the parties have demonstrated that they properly complied with OAH procedure by filing a Notice of Settlement on March 8, 2012. Accordingly, the OSC re: Sanctions is vacated. The only remaining date in this matter is the status conference on school board approval of the settlement agreement.

IT IS SO ORDERED.

Dated: March 23, 2012

/s/

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