

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

FREMONT UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2012070075

ORDER DISMISSING CASE

On October 11, 2012, Student's attorney notified the Office of Administrative Hearings (OAH) that the Board of Trustees (Board) of the Fremont Unified School District (District) had approved a settlement agreement between the parties in this matter, but the settlement agreement required the approval of the Alameda County Superior Court because Student is the subject of a conservatorship.

On October 12, 2012, Presiding Administrative Law Judge (PALJ), Bob Varma, discussed the status of the case with the attorneys for the parties. PALJ Varma asked the parties to provide legal authority as to why OAH should retain jurisdiction over this matter through December 17, 2012, which is the date the Superior Court has calendared to hear the request for approval of the settlement agreement. On October 16, 2012, the attorney for Student sent a letter to PALJ Varma and cited Probate Code section 2504 as authority for OAH to retain jurisdiction over this matter through December 17, 2012.

There is nothing in Probate Code sections 2500 through 2507 that provides OAH with authority to maintain jurisdiction in this matter pending approval of the settlement agreement by the Superior Court, nor have the parties provided OAH with any court documents that would indicate the need for retention of jurisdiction. Accordingly, since the parties have a signed settlement agreement that has been approved by the District's Board, this matter is dismissed and all pending dates are vacated.

Dated: October 30, 2012

/s/

REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings