

BEFORE THE
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OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT AND WESTSIDE
INNOVATIVE SCHOOL HOURS.

OAH Case No. 2013090557

ORDER DENYING REQUEST TO
ISSUE NEW ORDER DISMISSING
CASE

On February 18, 2014, the Office of Administrative Hearings conducted a mediation session in this case that did not result in a final agreement. On February 20, 2014, Student filed a “Notice of Mediated Settlement Conditioned on Further Act by Respondents; Request to Vacate Hearing Dates and to Schedule Status Conference.” According to this document, the parties signed a settlement agreement about two hours after the mediation ended. Student stated that OAH’s mediator was instrumental in assisting the parties to reach a settlement. The settlement is conditioned upon a further act by the school district and the charter school that must occur by April 11, 2014. Student requested that OAH vacate the hearing dates and set a status conference.

On February 20, 2014, OAH issued an order denying Student’s requests because OAH does not vacate hearing dates unless the parties execute a final settlement agreement. On February 21, 2014, the parties filed a “Revised Notice of Mediated Settlement.” This document stated that the parties signed an amendment to the settlement agreement. Student withdrew his request for hearing without prejudice and requested that OAH issue an order dismissing the case pursuant to a mediated settlement.

On March 4, 2014, OAH issued an order dismissing the case due to settlement of the case outside mediation or the resolution session.

On March 7, 2014, Student filed with OAH a “Request to Vacate Notice and Order of Case Dismissal and Request for OAH to Issue a Notice and Order of Dismissal by Reason of Settlement of Case through Mediation.” Student cited his request in his “Revised Notice of Mediated Settlement” that OAH issue an order dismissing the case pursuant to a mediated settlement. Student claimed that OAH dismissed this case on a ground that is inconsistent with the “Revised Notice of Mediated Settlement.” Student requested that OAH vacate the

“Notice and Order of Case Dismissal” issued on March 4, 2014, and issue a “Notice and Order of Case Dismissal” on the ground of “settlement of the case through mediation.”

The facts presented above concerning the process by which this case was resolved indicates that it was settled outside mediation. At the conclusion of the February 18, 2014 mediation, the parties signed an OAH mediation document that stated, “The parties did not reach an [a]greement. The matter will proceed on the currently scheduled dates.” Student acknowledged this by stating that the parties signed an agreement after the mediation that was conditioned upon action by the other parties. While the mediation session conducted by OAH may have been instrumental in the parties reaching a settlement, the parties did not reach a final agreement during the mediation session. As a result, OAH’s order correctly and properly stated that this case settled outside mediation or the resolution session.

Student’s request that OAH issue a new order dismissing this case is denied.

DATE: March 11, 2014

/s/

JUDITH A. KOPEC
Division Presiding Administrative Law Judge
Office of Administrative Hearings