

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

| | |
|--|---|
| In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. BELLFLOWER UNIFIED SCHOOL DISTRICT, | OAH CASE NO. 2010121003 |
| BELLFLOWER UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT. | OAH CASE NO. 2010120839 ORDER ON “STIPULATION RE SETTLEMENT” |

On June 8, 2011, the parties filed a “Stipulation Re Settlement.” The parties stated that they have agreed to terms, but have not signed agreement and have requested that all dates be taken off calendar. However, the parties want a trial setting conference if a condition of the settlement, payment of Student’s attorney, is not met.

The procedure sought by the parties is not available to them. OAH will not take hearings “off calendar” or schedule hearings around the contingency of attorney payment, which exists in all settlement agreements. The only contingency that would justify taking dates off calendar and scheduling a status conference is a signed settlement agreement requiring school board approval, which is not at issue here. The parties have two options: 1) request a continuance of the hearing to dates certain in order to finalized the settlement; or 2) sign their settlement agreement and withdraw the due process claims. Absent either option, the hearing will proceed as scheduled.

IT IS SO ORDERED.

Dated: June 09, 2011

/s/
RICHARD T. BREEN
Presiding Administrative Law Judge (acting)
Office of Administrative Hearings