

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ABC UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2012070138

ORDER DENYING REQUEST FOR  
STATUS CONFERENCE AND  
AFFIRMING AUGUST 13, 2012  
PREHEARING CONFERENCE

This matter is scheduled for a prehearing conference (PHC) on August 13, 2012, and for a due process hearing beginning on August 23, 2012. On August 10, 2012, Student's attorney notified Office of Administrative Hearings (OAH) that Student reached a settlement agreement with the ABC Unified School District (District). District's school board is expected to approve the agreement at its September 4, 2012 meeting. Student requests that OAH vacate the PHC and hearing dates, setting the matter for a status conference.

When parties reach a final agreement in a due process matter that requires subsequent school board approval, OAH will vacate all dates and calendar the matter for a telephonic status conference after the scheduled board meeting. However, when agreement is made outside of mediation, OAH requires that the parties demonstrate they have reached a final agreement by providing a copy of the fully executed signature page.

Here, the attached signature page included the signatures of Student's parent and attorney. District representative, Superintendent Dr. Mary Sieu, did not sign. Student explained that Dr. Sieu was out of the country and would not be available to execute the agreement until her return at the end of August 2012. Student stated that the SELPA's Terri Villa-McDowell facilitated the settlement agreement, that the District has in good faith affirmed the agreement, and that the District has already begun implementing the terms.

However, absent a fully executed agreement, OAH cannot vacate the PHC and hearing dates. Accordingly, Student's request is denied. The PHC will proceed as scheduled at 10:00 a.m., August 13, 2012. The parties should request a continuance of all hearing dates to mutually agreed dates in order to give them adequate time to execute the agreement.

IT IS SO ORDERED.

Dated: August 10, 2012

/s/

CLIFFORD H WOOSLEY

Administrative Law Judge

Office of Administrative Hearings

