

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN LORENZO UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2016010528

ORDER DENYING REQUEST TO
VACATE ALL DATES CURRENTLY
SCHEDULED IN THIS DUAL
MATTER AND SCHEDULE A
STATUS CONFERENCE

On January 19, 2016, Student filed a due process hearing request naming San Lorenzo Unified School District as respondent. The complaint raised issues triggering the disciplinary provisions of the Individuals with Disabilities Education Act requiring the matter be set on an expedited timeline. The complaint also raised issues under the IDEA that did not require an expedited timeline. Accordingly, OAH designated this matter as a dual case and assigned both expedited and non-expedited prehearing conference and due process hearing dates.

On February 5, 2016, Student submitted a request to vacate all dates in this case and schedule a status conference as the parties had executed a final settlement agreement resolving all claims. Student's request, however, acknowledged that Father had not yet signed the agreement.

Student's request to vacate the expedited hearing dates is denied. The IDEA contains no provision for excusing the mandatory timelines applicable to an expedited matter. OAH will not set a status conference on an expedited matter. To have the expedited hearing dates vacated, Student would have to request that the expedited issues be dismissed.

Student's request to vacate the non-expedited hearing dates and schedule a status conference is also denied. OAH will vacate due process hearing dates and schedule a matter for a status conference if the parties establish that they have entered into a final settlement agreement that is pending approval by the school board. In this case, the settlement agreement is not final as Father's signature has yet to be obtained. Moreover, Student's request does not indicate that the settlement agreement is contingent upon board approval.

Student's request to vacate all dates currently scheduled in the dual matter and set it for a status conference is denied. All dates in both the expedited and non-expedited due process case remain on calendar.

IT IS SO ORDERED.

DATE: February 5, 2016

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JOY REDMON
Administrative Law Judge
Office of Administrative Hearings