BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

TURLOCK UNIFIED SCHOOL DISTRICT AND

MODESTO CITY SCHOOLS.

OAH CASE NUMBER 2019081052

ORDER REGARDING COMPLETION OF HEARING AND ORDER SETTING BRIEFING SCHEDULE

Hearing of this matter took place on December 17 and 18, 2019. At the request of the parties, the hearing was continued until January 7, 2020. On January 6, 2020, Parents and Turlock Unified School District filed a statement reporting that they had reached a settlement pending approval by Turlock's school board. The statement further reported that if the settlement was approved by the school board on January 21, 2020, Student would dismiss this action with prejudice and Turlock would agree not to raise exhaustion of federal remedies as an affirmative defense in an action in Federal Court.

On December 18, 2019, OAH ruled that all claims in this action against Modesto City Schools were barred by California's statute of limitations. Accordingly, there being

no factual matters to be heard, hearing in this matter is concluded as of the date of this order, pending a final written decision.

Although Parents state that they have agreed to dismiss this action once the settlement is approved, it is unclear whether the claims against Modesto City Schools will also be dismissed. Only Parents and Turlock signed the settlement agreement. Accordingly, Parents are directed to file a statement by January 10, 2020, clarifying whether the entire action is being dismissed or just those claims against Turlock. A copy of that statement muse be served upon Modesto. If Parents are not dismissing those claims against Modesto and wish to receive a written decision as to the claims against Modesto, Parents and Modesto have until January 24, 2020, to file written closing briefs. Any party seeking extension or alteration of that deadline must file the request by January 17, 2020, and report whether the other party opposes, agrees to, or takes no position on the request.

IT IS SO ORDERED.

DocuSigned by:
Chris Butchko
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DATED: January 6, 2020

Chris Butchko
Administrative Law Judge
Office of Administrative Hearings