BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

TURLOCK UNIFIED SCHOOL DISTRICT AND MODESTO CITY SCHOOLS.

OAH CASE NUMBER 2019081052

ORDER DENYING REQUEST TO EXTEND DISMISSAL

FEBRUARY 18, 2020

On February 18, 2020, Student filed a request to extend the dismissal deadline to April 27, 2020, as to respondent Turlock Unified School District. Student asserts that, "the conditions subsequent to fully resolving the OAH matter with respect to Turlock Unified School District have not been completed at this time."

On January 6, 2020, Student and Turlock submitted a joint request to vacate the then pending hearing dates. The parties represented that they had reached a final settlement agreement pending board approval. The board meeting was scheduled for January 21, 2020. The parties also noted that they would be filing, "a joint stipulation in

federal court asserting the District will not invoke exhaustion of remedies as an affirmative defense."

The parties request was granted as to the board approval only and the matter set to be dismissed on February 21, 2020. The order specified that, "if the settlement is not considered at the scheduled Board meeting, the parties are to promptly notify the Office of Administrative Hearings. Otherwise, the Office of Administrative Hearings will close the case and issue a notice of dismissal." Whether or not the parties filed a stipulation in federal court as to exhaustion of administrative remedies does not serve as a basis for extending this case which has been pending since August.

The parties did not indicate that Turlock's school board did not convene as anticipated or rejected the settlement. Accordingly, no basis to further extend the dismissal has been established. Unless notified that one of the forgoing conditions was not met, the matter will be dismissed on February 21, 2020.

IT IS SO ORDERED.

DocuSigned by:
Joy Redmon
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Joy Redmon
Presiding Administrative Law Judge
Office of Administrative Hearings