BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

WILLIAM S. HART UNION HIGH SCHOOL DISTRICT AND ANTELOPE VALLEY UNION HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2019110305

ORDER GRANTING REQUEST TO REOPEN CASE AS TO ANTELOPE VALLEY UNION HIGH SCHOOL DISTRICT

JUNE 23, 2020

On May 18, 2020, Student filed with OAH a request to vacate hearing dates as to Antelope Valley Union High School District because Student and Antelope Valley had executed a settlement agreement subject to board approval. The request included a fully executed signature page, and informed OAH that the settlement agreement was scheduled to considered for approval by the governing board of Antelope Valley on May 21, 2020.

On May 15, 2020, OAH issued an order vacating the dates in this matter as to Antelope Valley, and informing the parties that the matter would be dismissed as to

Antelope Valley 30 days after the scheduled board meeting. The order instructed the parties to promptly notify OAH if the settlement was not considered by the governing board as scheduled, or the case would be closed and a dismissal issued. Neither party contacted OAH, and on June 22, 2020, OAH closed this case and issued a notice of dismissal as to Antelope Valley.

On June 22, 2020, Student filed a request to reopen the case because the governing board of Antelope Valley had delayed consideration of the settlement between Student and Antelope Valley for approval until July 23, 2020.

Student's request states that the governing board of Antelope Valley has delayed consideration of the settlement agreement multiple times, and is now scheduled to consider the settlement agreement for approval on July 23, 2020. However, Student did not notify OAH of the delays, resulting in the dismissal of Antelope Valley. Student contends that the failure to notify OAH of the delays in the board's consideration of the settlement agreement was an oversight, and requests that OAH reopen the case as to Antelope Valley and rescind the dismissal order.

Here, a dismissal due to attorney negligence would resulted in substantial prejudice to Student. Student's case was filed on November 8, 2019, and a refiled case against Antelope Valley would result in a loss of over seven months of claims within the 2-year statute of limitations. The memories of witnesses will have faded, adversely impacting Student's ability to meet the burden of proof. If Antelope Valley chose not to proceed with the terms of the settlement agreement, Student would lose the benefit of the bargain made, and Antelope Valley would reap an unintended benefit from delay in approval of the agreement reached. Multiple filings on the same matter also impact scarce judicial resources and do not promote judicial economy.

Accordingly, the June 22, 2020 order of dismissal of Antelope Valley will be set aside. In light of the pending settlement between Student and Antelope Valley, no new hearing dates will be scheduled. This matter will be dismissed as to Antelope Valley 30 days after the scheduled board meeting of July 23, 2020. If the settlement is not considered at the scheduled board meeting, the parties are to promptly notify OAH. Otherwise, OAH will close the case and issue a notice of dismissal as to Antelope Valley.

IT IS SO ORDERED.

DocuSigned by:
Alexa Hohensee
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Alexa Hohensee

Administrative Law Judge

Office of Administrative Hearings