

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

CONSOLIDATED MATTERS INVOLVING:

PARENTS ON BEHALF OF STUDENT,

v.

GARDEN GROVE UNIFIED SCHOOL DISTRICT.

CASE NO. 2007110119

CASE NO. 2008020127

CASE NO. 2008020446

DECISION BY SETTLEMENT PURSUANT TO SECTION 2087 OF TITLE 5 OF
THE CALIFORNIA CODE OF REGULATIONS

August 13, 2008

On June 6, 2008, the District submitted a decision by settlement for review and approval by the Office of Administrative hearings (OAH). Tania Whiteleather, Attorney at Law, represented Student. Justin Shinnfield, Attorney at Law, represented the Garden Grove Unified School District (District). A revised decision by settlement was received on June 17, 2008.

On June 18, 2008, OAH conducted a conference call with the parties. At that conference call, the parties were advised that they needed to incorporate the terms of the decision by settlement into a settlement agreement and then amend the decision by settlement to incorporate the terms of their settlement agreement. In addition, due to the apparent disagreement about the terms of the settlement agreement, both parties were instructed to send in a confirming letter indicating their agreement to the issuance of the decision by settlement.

On July 16, 2008, Student submitted a request for entry of judgment by settlement with a copy of an executed settlement agreement. No follow-up correspondence has been received from the District. No comprehensive document, pursuant to the conference call of June 18, 2008, has been submitted.

APPLICABLE LAW AND DISCUSSION

The parties have verbally and in writing communicated to OAH their intent to resolve this matter pursuant to California Code of Regulations, title 5, section 3087, which provides that: "Notwithstanding Government Code section 11415.60 of the Administrative Procedure Act, a decision by settlement may be issued on terms the parties determine are appropriate so long as the agreed-upon terms are not contrary to the law".

The agreement of the parties is as identified in the document entitled "Settlement Pursuant to Section 3087 of Title 5 of the California Code of Regulations," as supplemented by the motion from Student entitled "Petitioner's Request For Entry of Judgment by Settlement by OAH," which includes a copy of the settlement agreement.

The Presiding Administrative Law Judge has reviewed and considered the Settlement and the documents identified above, and hereby determines that the agreed-upon terms to which the parties have stipulated, which are set forth herein, are not contrary to law.

IT IS SO ORDERED.

SHERIANNE LABA

Presiding Administrative Law Judge

Office of Administrative Hearings