

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

WEST CONTRA COSTA UNIFIED  
SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

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OAH CASE NO. 2012100275

ORDER VACATING ORDER TO  
SHOW CAUSE AND GRANTING  
DISTRICT'S REQUEST TO CLOSE ITS  
CASE PER THE PARTIES'  
SETTLEMENT AGREEMENT

On February 15, 2013, the parties filed a joint request with the Office of Administrative Hearings (OAH) to vacate the prehearing conference (PHC), February 20, 2013, and hearing date, February 26, 2013, in this matter because the parties had reached settlement agreement. However, execution of the parties' settlement agreement required that OAH relabel the cross-complaint that Student filed on January 2, 2013, as a complaint, assign an OAH case number and agree to the parties' January 7, 2013 stipulation to consolidate Student's cross-complaint and the West Contra Costa Unified School District's (District) complaint.

On February 19, 2013, the undersigned Administrative Law Judge issued an order to show cause (OSC) that required the parties by 5:00 p.m., that day to file a written response why they did not file a PHC statement on February 15, 2013, and for Student to file a written response why Student's counsel did not file the separate complaint. Counsel for both parties complied and timely submitted the requested information. The District's response also included a joint notice of withdrawal in which Student withdrew his request for a due process hearing based on the cross-complaint, and the District withdrew its pending case.

The parties adequately explained their actions in this matter in their responses to the OSC, and took responsibility for their actions. Accordingly, the OSC is vacated.

Additionally, the parties resolved issues pointed out in the February 19, 2013 order, which prevented the parties from getting OAH's approval to dismiss the District's complaint. Because the parties' February 19, 2013 joint notice of withdrawal of due process complaints

resolves the parties' dispute, the above-referenced case is closed with the District's withdrawal of its complaint.

ORDER

1. The February 19, 2013 OSC is vacated.
2. The matter involving the District's complaint is closed with its withdrawal of its complaint and all dates on the calendar are vacated.

Dated: February 20, 2013

/s/  
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PETER PAUL CASTILLO  
Administrative Law Judge  
Office of Administrative Hearings