

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

TEMECULA VALLEY UNIFIED
SCHOOL DISTRICT.

OAH CASE NO. 2013071022

ORDER TRAILING PREHEARING
CONFERENCE TO FRIDAY,
SEPTEMBER 13, 2013, AT 10:00 A.M.

At 3:00 p.m. on September 9, 2013, the undersigned Administrative Law Judge (ALJ) attempted to convene the prehearing conference in this matter previously set by the Office of Administrative Hearings (OAH) in a scheduling order issued on July 24, 2013. The ALJ was able to locate counsel for the Temecula Valley Unified School District (District) but was not able to locate counsel for Student. The prehearing conference therefore did not proceed.

Student filed a notice of settlement with OAH on August 22, 2013, in which she informed OAH that the parties had reached a settlement in this matter but that the settlement agreement had not been fully executed. Student stated in her notice that she anticipated that the parties would fully execute the agreement by mid-September, 2013, at which time Student would file a Notice of Dismissal with Prejudice of this case.

The scheduling order issued by OAH to the parties on July 24, 2013, contained the following paragraph, which is standard to all scheduling orders:

If the parties reach settlement in the matter, OAH shall be notified as soon as possible. Notification shall be in writing, but need not include the entire contents of the settlement agreement. It shall be sufficient to provide a page that identifies the nature of the document and participants and the signature page with each participant's signature. A request for dismissal based on settlement of all issues that is submitted by the party who requested the hearing shall also suffice. The matter shall remain on calendar and shall not be dismissed until OAH receives the proper notification.

This paragraph informs the parties that OAH will not vacate hearing dates unless the parties provide the signature page of their settlement agreement or the petitioning party requests dismissal of the case based upon the settlement. Student's August 22, 2013 letter to OAH did not contain the signature page from the parties' settlement and did not request that the case be dismissed. An OAH staff member left a voice mail message for Student's attorney on September 5, 2013, requesting that she submit the signature page from the settlement

agreement. Student has not responded to the message and has not submitted the signature page.

This matter therefore remains on calendar. In order to provide the parties with sufficient time to submit the appropriate settlement signature page, or to submit their prehearing conference statements if the case has not settled, the ALJ is trailing the PHC to Friday, September 13, 2013, at 10:00 a.m. By that time, Student must either: 1) submit a fully executed signature page from the parties' settlement; or 2) file a Notice of Dismissal of the case.

If the case has not settled, Student and the District must file their prehearing conference statements no later than 5:00 p.m. on Thursday, September 12, 2013, and must be prepared to proceed with the prehearing conference on September 13, 2013.

IT IS SO ORDERED.

Dated: September 9, 2013

/s/

DARRELL LEPKOWSKY
Administrative Law Judge
Office of Administrative Hearings