

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

INGLEWOOD UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2014110272

ORDER DENYING STUDENT'S
REQUEST TO VACATE DATES AND
SET FOR SETTLEMENT
CONFERENCE

This expedited matter was filed on November 3, 2014. The Office of Administrative Hearings, in accordance with State and Federal expedited calendaring requirements, issued an order scheduling the expedited hearing for December 4, 9, and 10, 2014, along with a prehearing conference for 3:00 p.m., December 1, 2014. Expedited matters may not be continued.

On November 26, 2014, Student's counsel filed a "Request to Vacate Dates and Establish Settlement Conference for Settlement Conference on Wednesday, January 7, 2015." This request was made on the fax cover sheet to a page of signatures, which the fax cover sheet states is the "signature page of fully executed settlement agreement." November 26, 2014, is the last business day, due to OAH's legal holiday schedule, before the December 1, 2014, prehearing conference.

When parties resolve or settle a due process request, outside of mediation, OAH will vacate the dates and dismiss the matter upon receipt of a properly executed request to withdrawal or dismiss the due process request. If the settlement agreement requires approval by a school board, OAH will vacate the dates and set for a status conference upon receipt of the fully executed signature page of the settlement agreement and upon being informed of the board's meeting date, at which the settlement will be approved. OAH determines the date for the telephonic status conference, not the parties.

Here, Student has not provided a request for dismissal. There is no indication that the settlement requires school board approval, with a specific meeting date. The request that OAH schedule a settlement conference, even if interpreted to mean a status conference, is inappropriate because Student does not indicate a settlement agreement requires board approval. Finally, the attached signature page is unclear, because it is entitled "Confidentiality Agreement – Resolution Session." There are no page numbers at the bottom; the signatures do not appear to be from a settlement agreement, but a confidentiality agreement.

The request to vacate dates is denied. All dates remain as calendared. Parties are to be prepared to participate in the expedited prehearing conference, scheduled for 3:00 p.m., December 1, 2014.

IT IS SO ORDERED.

Dated: November 26, 2014

/s/
CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings