

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

KENTFIELD SCHOOL DISTRICT AND TAMALPAIS UNION HIGH
SCHOOL DISTRICT.

OAH CASE NUMBER 2021080499

ORDER DENYING REQUEST TO PLACE CASE BACK
ON CALENDAR

NOVEMBER 30, 2021

On October 18, 2021, Student filed a Motion to Vacate Hearing Dates with the Office of Administrative Hearings, referred to as OAH. Student's motion was based on the parties executing a settlement agreement pending Tamalpais Union High School District Board approval. The parties anticipated the Tamalpais Board would review the settlement agreement on October 26, 2021.

On October 18, 2021, OAH issued an order vacating all hearing dates, and noted the matter would be dismissed 30 days after the October 26, 2021 board meeting.

On November 30, 2021, Student filed a request to place this matter back on calendar as the Tamalpais Board has not yet approved the settlement agreement. On November 30, 2021, Tamalpais responded to Student's motion asking that OAH wait to put the dates back on calendar until after the Tamalpais Board meets to review the settlement agreement on December 14, 2021.

The Tamalpais Board was supposed to review the settlement agreement during a board meeting on October 26, 2021. The Tamalpais Board did not review the settlement agreement on October 26, 2021. The Tamalpais Board reviewed the settlement agreement during the November 16, 2021 board meeting. The Tamalpais Board did not approve or reject the settlement agreement during the November 16, 2021 board meeting but instead requested more information and will again review the settlement agreement during the December 14, 2021 board meeting. Because the Tamalpais Board did not reject the settlement agreement it is premature to place the matter back on calendar and set new due process hearing dates. However, OAH will not dismiss this

matter until 30 days after the December 14, 2021 board meeting. If the Tamalpais Board does not approve the settlement agreement during the December 14, 2021 board meeting Student may file a new motion to place this matter back on calendar.

ORDER

The request to place this matter back on calendar is denied, however, OAH will not dismiss this matter until 30 days after the December 14, 2021 Tamalpais Board meeting. December 14, 2021 shall be the last board meeting in which the agreement can be considered without the consent of Student.

IT IS SO ORDERED.

Linda Johnson

Linda Johnson

Administrative Law Judge

Office of Administrative Hearings