

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ARCADIA UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2012010431

ORDER AFTER STATUS
CONFERENCE SETTING MEDIATION
AND CONFIRMING PREHEARING
CONFERENCE AND HEARING
DATES

On February 16, 2012, Presiding Administrative Law Judge Judith A. Kopec conducted a status conference concerning the scheduling of this matter. Steven Wyner, attorney for Student, and Anahid Hoonanian, attorney for the Arcadia Unified School District, participated. This matter is currently scheduled for mediation on February 23, prehearing conference on March 5, and due process hearing on March 13, 2012.

On February 10, 2012, the parties submitted a joint letter stating that they agreed to waive the required resolution session and instead participate in mediation. They also requested that the mediation be rescheduled to March 2, 2012, the only date the parties are available prior to the scheduled hearing date.

Parties who do not wish to engage in a resolution session have two options: they can agree in writing to waive it (34 C.F.R. § 300.510(3)(i)), or they can agree to use the mediation process instead of a resolution session (*Id.* at § 300.510(3)(ii)). A joint written waiver of the resolution session starts the 45-day timeline for the due process hearing and decision. (34 C.F.R. § 300.510(c).) An agreement to use the mediation process instead of a resolution session does not alter the hearing and decision timeline. (*Id.* at § 300.510(b).)

Upon receipt of a joint waiver of the resolution session, the Office of Administrative Hearings customarily moves up the scheduled dates consistent with the new timeline. In this case, the mediation would remain on February 23, the prehearing conference would be advanced to February 29, and the hearing would be advanced to March 6, 2012. After discussion with the parties, they indicated that it was not their intent to advance the prehearing and hearing dates in this matter. Accordingly, it is determined that the parties wished to use the mediation process instead of a resolution session and to leave the hearing and decision timeline unchanged. The parties agreed to submit a joint written statement to this effect by the close of business on February 16, 2012..

The parties' request to reschedule mediation to March 2, 2012, is granted. The rest of the dates remain as currently scheduled: the prehearing conference shall be held on March 5, 2012, at 1:30 pm. and the due process hearing shall be held on March 13, 2012.

IT IS SO ORDERED.

Dated: February 16, 2012

/s/

JUDITH A. KOPEC
Division Presiding Administrative Law Judge
Office of Administrative Hearings