

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LYNWOOD UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2016030002

ORDER GRANTING REQUEST TO
ADVANCE MEDIATION DATE

On May 2, 2016, the parties filed a joint request to advance the date for mediation in this matter from May 10, 2016, to May 3, 2016, at 9:30 a.m., as the parties have decided to waive the resolution session and use mediation process instead, but not advance the timeline.

APPLICABLE LAW, DISCUSSION and ORDER

A school district, or local education agency, must convene a meeting to discuss the issues raised in a due process complaint to attempt to resolve the dispute. (34 C.F.R. § 300.510(a)(1),(2).) This meeting is commonly known as a resolution session. A resolution session need not be held if the parent and school district agree in writing to waive it (*Id.* at § 300.510(a)(3)(i)) or if the parent and school district agree to use mediation instead of a resolution session (*Id.* at § 300.510(a)(3)(ii)). If the parties agree to waive the resolution session, the 45-day timeline for a due process hearing begins the day after the waiver. (*Id.* at § 300.510(c)(1).) However, the timeline does not automatically begin if the parties agree to use mediation instead of a resolution session. (*Id.* at § 300.510(c).)

When the parties agree in writing to waive a resolution session, the Office of Administrative Hearings will move forward the dates for mediation, prehearing conference, and hearing to accommodate the beginning of the 45-day timeline for hearing. However, a waiver of the resolution session must be in writing and signed by all parties.

Here, OAH has received in writing from the parties a waiver of the resolution session and a request to advance the mediation date. Because the parties have requested in writing to use mediation process instead of the resolution session process, the timeline is not advanced.

Accordingly, the mediation shall occur on May 3, 2016, at 9:30 a.m., and the prehearing conference date of May 13, 2016, and hearing date of May 24 through 26, 2016, shall remain as scheduled, as requested by the parties.

IT IS SO ORDERED.

DATE: May 2, 2016

DocuSigned by:
Peter Paul Castillo
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PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings