

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

EAST SIDE UNION HIGH SCHOOL
DISTRICT.

OAH Case No. 2016030991

ORDER GRANTING JOINT REQUEST
TO ADVANCE MEDIATION DATE
AND SET MATTER FOR
PREHEARING CONFERENCE AND
DUE PROCESS HEARING

On March 18, 2016, Parent on behalf of Student filed a Due Process Hearing Request with the Office of Administrative Hearings, in this matter. On April 29, 2016, Student filed a Motion to Amend the Due Process Hearing Request. The motion also included a request to maintain the dates scheduled by the Scheduling Order of April 22, 2016.

On May 6, 2016, OAH, by the undersigned Administrative Law Judge, granted Student's motion to amend the complaint, but denied the request to maintain the dates set forth in the April 22, 2016 Scheduling Order because there was no indication that District was in agreement to maintain the dates set forth in the April 29, 2016 order.

On May 9, 2016, OAH issued a new scheduling order. On May 16, 2016, the parties submitted a letter jointly agreeing to reinstate the dates set forth in the April 29, 2016 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).)

Good cause being demonstrated as to the waiving of the resolution session and to proceed to mediation, the parties' joint request to advance the mediation is GRANTED.

Accordingly, the currently scheduled hearing dates are vacated. This matter will be set as follows:

Mediation: May 24, 2016 at 9:30 a.m.

Prehearing Conference: June 17, 2016, at 10:00 a.m.
Due Process Hearing: June 28-29, and July 6, 7, and 8, 2016, and
continuing day to day, Monday through Thursday,
as needed at the discretion of the Administrative
Law Judge.

IT IS SO ORDERED.

DATE: May 18, 2016

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings