

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS on behalf of STUDENT,

v.

RIVERSIDE UNIFIED SCHOOL
DISTRICT

OAH CASE NO. 2010030616

ORDER DENYING DISTRICT'S
REQUEST TO HOLD STUDENT'S
CASE IN ABEYANCE

On October 12, 2009, Riverside Unified School District (District) filed a Mediation-Only Request with the Office of Administrative Hearings (OAH) naming Parents on behalf of Student (Case No. 2009100806). On October 15, 2009, OAH sent notice of the October 28, 2009 mediation date. On October 23, 2009, Parents notified OAH that they had hired an Advocate and that they could not attend the scheduled mediation. No further activity was initiated by either party to this the Mediation-Only filing. On March 3, 2010, OAH issued a dismissal order due to inactivity and closed the case.

On March 5, 2010, Student filed the instant due process hearing request naming District (Case No. 2010030616). On March 9, 2010, District sent a letter asking that Student's newly filed case be held in abeyance until District's Mediation-Only case was completed. On March 11, 2010, Student, through her counsel, filed an opposition to the motion.

APPLICABLE LAW

When a Mediation-Only case is filed, the mediation shall be scheduled within 15 days of that request and completed within 30 days unless both parties agree to extend the time for completing the mediation. (Ed. Code, § 56500.3, subd. (e).)

DISCUSSION

In a Mediation-Only, the filing party has an obligation to move the case forward once OAH has scheduled the matter within 15 days of receiving the request. In this case, when Student cancelled the original date for mediation, District had an obligation to

coordinate a different date with Student. OAH has no further scheduling duty. In fact, OAH could have closed the case at the end of the thirty days but kept it open until March 3, 2010. District's Mediation-Only case is closed and dismissed therefore there is no basis for District's request to hold Student's case in abeyance.

ORDER

District's request to hold Student's case in abeyance is denied.

IT IS SO ORDERED.

Dated: March 18, 2010

/s/

ANN F. MACMURRAY
Presiding Administrative Law Judge
Office of Administrative Hearings