

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH CASE NO. 2010080478

v.

OAKLAND UNIFIED SCHOOL DISTRICT,

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OAKLAND UNIFIED SCHOOL DISTRICT,

OAH CASE NO. 2011051152

v.

ORDER DENYING REQUEST TO  
RECORD MEDIATION

PARENT ON BEHALF OF STUDENT.

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On June 9, 2010, advocate Elizabeth L. Celestre, on behalf of Student, filed a request to record the mediation with the Oakland Unified School District (District). The District did not submit a response.

Pursuant to title 20 United States Code section 1415(e)(2)(G), “[d]iscussions that occur during the mediation process shall be confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding.” (See also Cal. Code Regs., tit. 5, § 3086, subd. (b).) While Education Code section 56321.5 permits a parent to record an individualized education program team meeting, this section does not permit a parent to record a confidential mediation.

Student’s request to record the mediation does not state why Student wishes to record the mediation or why the recording would not violate the confidentiality of mediation. Therefore, Student’s request to record the June 15, 2011 mediation is denied.

IT IS SO ORDERED.

Dated: June 13, 2011

/s/

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PETER PAUL CASTILLO  
Administrative Law Judge  
Office of Administrative Hearings