

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN DIEGO UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2011030599

ORDER DENYING STUDENT'S
REQUEST TO ADVANCE HEARING
DATES AS MOOT AND GRANTING
STUDENT'S REQUEST FOR A
RESOLUTION SESSION

On March 11, 2011, Student's mother (Mother), an attorney at law, filed on Student's and her behalf a Request for an Expedited Due Process Hearing (complaint). The complaint is rambling and disorganized and fails to identify what issues Student (Petitioner) desires to be heard at the hearing. On March 11, 2011, OAH issued a scheduling order on the basis that the case is on expedited status. On March 15, 2011, the District moved to vacate the expedited status of the case. On March 15, 2011, Student filed an opposition to the motion. On March 16, 2011, OAH issued an order granting the District's motion and directing that OAH issue a new scheduling order based upon the March 11, 2011 order. The order also stated: "The Parties shall mutually agree to a date and participate in a Resolution Session within thirty days of the March 11, 2011."

On March 16, 2011, Student filed a request to advance hearing dates. The request appears to actually be a request for OAH to issue a new scheduling order. On March 17, 2011, Student filed a second request which included a request to compel the District to schedule a Resolution Session. Student alleges that the District has not cooperated in the scheduling of a Resolution Session. The District submitted an opposition on March 17, 2011. In its opposition, the District fails to address the issue of the Resolution Session.

On March 28, 2011, OAH issued a new scheduling order setting April 14, 2011, for mediation; April 27, 2011 for Prehearing Conference; and May 4, 2011 for the Due Process Hearing. The issuance of the scheduling order renders Student's request to advance hearing dates now moot by the issuance of the scheduling order. Thus, the only issue remaining is Student's request for a Resolution Session.

APPLICABLE LAW AND DISCUSSION

Within 15 days of the filing of a due process request on behalf of a student, a local education agency shall convene a resolution meeting with the parents and the relevant members of the Individualized Education Program (IEP) team who have specific knowledge of the facts identified in the due process hearing request (complaint.) The purpose of the

meeting is to allow both sides to discuss the due process hearing issues and the facts and “so that the local education agency has the opportunity to resolve the dispute. (Ed. Code, § 56501.5, subd. (a).) The resolution session need not be held if the parents and the local education agency agree in writing to waive it. (Ed. Code, § 56501.5, subd. (b).)

Here, Student is unwilling to waive the resolution session being held. Student alleges that the District has not responded to her requests to schedule a resolution session per the March 16, 2011 order from OAH.

Student’s request to hold a resolution session is GRANTED. The parties are ordered to attend a Resolution Session on Wednesday, April 6, 2011, at 10:00 a.m. at the offices of the San Diego Unified School District located at 4100 Normal Street, Annex 7, San Diego, CA 921023.

IT IS SO ORDERED.

Dated: March 28, 2011

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings