

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2011061049

ORDER GRANTING MOTION TO  
EXTEND PROCEDURAL TIMELINES

On June 23, 2011, Student filed with the Office of Administrative Hearings (OAH) a due process hearing request (complaint) naming District as the respondent.

On July 14, 2011, District filed a motion to extend procedural timelines due to Student's parent's non-participation in a mandatory resolution session. OAH has received no response from Student.

APPLICABLE LAW

A local educational agency (LEA) is required to convene a resolution meeting with the parents and the relevant members of the Individualized Education Program (IEP) team within 15 days of receiving notice of the Student's complaint. (20 U.S.C. § 1415(f)(1)(B)(i)(I);<sup>1</sup> 34 C.F.R. § 300.510(a)(1) (2006).) The resolution session need not be held if it is waived by both parties in writing or the parties agree to use mediation. (§ 1415(f)(1)(B)(i)(IV); 34 C.F.R. § 300.510(a)(3) (2006).) There are no provisions of law that allow a parent or an LEA to unilaterally waive the resolution meeting. (71 Fed. Reg. 47602, No. 156 (Aug. 14, 2006).)

If the parents do not participate in the resolution session, and it has not been otherwise waived by the parties, a due process hearing shall not take place until a resolution session is held. (34 C.F.R. § 300.510(b)(3) (2006).) If the LEA is unable to obtain the participation of the parent in the resolution meeting after reasonable efforts have been made and documented, the LEA may, at the conclusion of the 30-day period, request that a hearing officer dismiss the complaint. (34 C.F.R. § 300.510(b)(4) (2006).)

---

<sup>1</sup> All statutory citations are to Title 20 United States Code unless otherwise indicated.

## DISCUSSION

District's motion is supported by a sworn declaration and establishes that Parent did not attend the resolution session scheduled for July 11, 2011.

Student's parent is required to participate in a resolution session before a due process hearing may be commenced. There has been no agreement to waive the resolution or proceed to mediation in lieu of the resolution session in this case. Moreover, Student has failed to respond to District's motion. Therefore, District's motion to extend procedural timelines is granted. A resolution session shall be held within 30 days from the date of this order. If Student fails to attend, District shall file a motion to dismiss the matter for failure to participate in a resolution session.

## ORDER

1. District's motion to extend procedural timelines is granted.
2. All previously set dates in this matter are vacated.
3. The parties are ordered to participate in a resolution session within 30 days from the date of this order. If Student fails to participate in a resolution session within that time, District shall file a motion to dismiss under title 34 Code of Federal Regulations, part 300.510(b)(4).
4. The timelines for hearing established pursuant to Title 20 United States Code section 1415(f)(1)(B) shall recommence and all applicable timelines shall be reset as of the date of this Order. OAH will issue a scheduling order with the new dates.

Dated: July 21, 2011

/s/

---

JUNE R. LEHRMAN  
Administrative Law Judge  
Office of Administrative Hearings