

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. CULVER CITY UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2011090039 ORDER DENYING PARENT’S MOTION TO CHANGE LOCATION OF RESOLUTION SESSION
CULVER CITY UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2011060075

On September 13, 2011, Student’s parent (Parent) filed a Request for an Order setting a mandatory resolution session at a neutral location in connection with Student’s case, OAH Case No. 2011090039. District filed an opposition on September 21, 2011, which was supported by a declaration under penalty of perjury and authenticated exhibits.

APPLICABLE LAW AND ANALYSIS

Within 15 days after receiving a request for due process on behalf of a student, and prior to the opportunity for an impartial due process hearing, the local educational agency (LEA) is required to hold a resolution meeting with the parents and the relevant member or members of the individualized education program team. (Ed. Code, § 56501.5, subd. (a), incorporating by reference 20 U.S.C. § 1415(f)(1)(B) & 34 C.F.R. § 300.510.) The purpose of the meeting is for the parent of the child to discuss the due process hearing issue, and the facts that form the basis of the due process hearing request, so that the local educational agency has the opportunity to resolve the dispute that is the basis for the due process hearing request. (Ed. Code, § 56501.5, subd. (a)(4).) Although a due process hearing must be held at a time and place reasonably convenient to the parent or guardian and the pupil, Education Code section 56501.5 does not impose the same requirement on the location of the resolution session. (Ed. Code, §§ 56501.5, 56505, subd. (b).)

Here, Parent argues that, since 2007, District and Parent have historically met at a neutral location away from District premises to discuss Student’s educational needs. Student

also argues that she does not feel safe on District premises following an alleged incident in 2007 and because of the presence of security guards at school board meetings attended by Parent in 2010 and 2011. Parent suggests that the resolution session mandated by Education Code section 56501.5 should be held in a public place such as a local library or local veteran's center.

On the other hand, District argues that District scheduled a resolution session for September 13, 2011 at District offices, that Parent notified District that she was unavailable to meet on the scheduled date, and that she refused to meet at the District offices. District offered persuasive evidence that Parent has, in fact, attended several meetings at District offices from January 2011 through September, 2011, including a resolution session on February 25, 2011, a mediation session on March 30, 2011, and district Board meetings on July 26, 2011 and September 13, 2011. District further persuasively argues that security concerns for District personnel are best met by holding the resolution on District premises.

Regardless of the history between the parties, convening the resolution session is the responsibility of the LEA under Education Code section 56501.5, and although a resolution session is a prerequisite to a due process hearing, OAH has no involvement in conducting the resolution session. Instead, the IDEA contemplates that the resolution session will take place at the LEA, like all other interactions between parents and their school district. As a separate basis for denying the motion, District has demonstrated that Student's parent has recently interacted with District personnel at District facilities. The presence of security personnel at school board meetings does not support an inference that Student's parent is excused from attending a resolution session on District property. Accordingly, even assuming that OAH would have jurisdiction to determine the site of the resolution session, Student's motion lacks merit. Based on the above, Student's motion must be denied.

ORDER

Student's motion to change the location of the resolution session is denied.

Dated: September 22, 2011

/s/

ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings