

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. 2012060048

NOTICE CONCERNING AGREEMENT
TO USE MEDIATION IN LIEU OF
RESOLUTION SESSION

On July 27, 2012, District submitted a letter to the Office of Administrative Hearings (OAH) on District's letterhead and signed by a representative of District. In the letter, District proposed

waiving the resolution session and proceeding to mediation pursuant to 20 USC § 1415(f)(1)(B) [sic]. If you agree to waive the resolution session, you are also waiving timelines which require due process hearing decisions to be rendered within 45 days after the end of the resolution session. Please sign below ... if you are in agreement to the above terms.

Parent signed underneath the statement, "If you are in agreement to waiving the resolution session and the 45-day decision timeline, please sign below ..."

APPLICABLE LAW AND DISCUSSION

A school district must convene a meeting to discuss the issues raised in a due process complaint in order to attempt to resolve the dispute. (34 C.F.R. § 300.510 (a)(1),(2).) This meeting is commonly known as a resolution session. A resolution session need not be held if the parent and school district agree in writing to waive it (*Id.* at § 300.510 (a)(3)(i)) or if the parent and school district agree to use mediation instead of a resolution session (*Id.* at § 300.510 (a)(3)(ii)). If the parties agree to waive the resolution session, the 45-day timeline for a due process hearing begins the day after the waiver. (*Id.* at § 300.510(c)(1).) However, the timeline does not automatically begin if the parties agree to use mediation instead of a resolution session. (*Id.* at § 300.510(c).)

When the parties agree in writing to waive a resolution session, OAH will move forward the dates for mediation, prehearing conference, and hearing to accommodate the beginning of the 45-day timeline for hearing. In this case, the parties expressly waived the 45-day decision timeline. Accordingly, this letter is being treated as an agreement to use mediation instead of a

resolution session, under 34 Code of Federal Regulations part 300.510(a)(3)(ii), and not a waiver of the resolution session under part 300.510(a)(3)(i) and (c)(1). As a result, the timeline governing this matter does not change.

Dated: August 1, 2012

/s/

JUDITH A. KOPEC
Division Presiding Administrative Law Judge
Office of Administrative Hearings