

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN LEANDRO UNIFIED SCHOOL
DISTRICT AND OAKLAND UNIFIED
SCHOOL DISTRICT.

OAH Case No. 2014080928

ORDER DENYING REQUEST TO
ADVANCE MEDIATION

On August 21, 2014, Student filed a request for due process hearing against the San Leandro Unified School District and the Oakland Unified School District. On September 4, 2014, counsel for San Leandro filed a request to advance the mediation date in this matter to September 16, 2014, and use mediation in lieu of a resolution session. San Leandro submitted an agreement between itself and Student's counsel waiving resolution session and agreeing to use mediation instead.

APPLICABLE LAW

A school district, or local education agency, 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).)

DISCUSSION AND ORDER

Here, only San Leandro and Student have agreed to waive the resolution session and use mediation in lieu of the resolution session. Oakland is a named party to this matter and has not joined in the request to use mediation in lieu of resolution session. Accordingly, the request to advance the mediation is denied and all dates currently calendared are confirmed.

IT IS SO ORDERED.

DATE: September 5, 2014

/s/

BOB N. VARMA
Presiding Administrative Law Judge
Office of Administrative Hearings