

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.
LONG BEACH UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2014090662

NOTICE CONCERNING AGREEMENT
TO USE MEDIATION IN LIEU OF
RESOLUTION SESSION

On September 22, 2014, Student submitted a copy of a letter of the same date to Long Beach Unified School District accepting its offer “to waive the resolution session upon District’s commitment to go forward with mediation.” Mediation is scheduled on October 21, 2014.

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, the Office of Administrative Hearings will move forward the dates for mediation, prehearing conference, and hearing to accommodate the beginning of the 45-day timeline for hearing. While the letter refers to an agreement to “waive the resolution session,” it also states that the parties are going forward with mediation. There is no request to move any of the dates forward.

Accordingly, this letter is 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.

DATE: September 22, 2014

/s/

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