

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. 2015081061

NOTICE OF INTENT TO TAKE NO
ACTION REGARDING WAIVER OF
RESOLUTION SESSION

On August 31, 2015, the parties filed a letter setting forth an agreement to use mediation in lieu of resolution session. The parties did not ask to advance the 45-day time line to conduct a due process hearing and issue a decision.

APPLICABLE LAW AND DISCUSSION

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).)

Here, the parties do not seek to advance the due process hearing and are using mediation in lieu of resolution session. Accordingly, the Office of Administrative Hearings will not take any action with respect to the advancement of the 45-day time line. All currently set dates are confirmed.

DATE: September 1, 2015

/s/

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