

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT on behalf of STUDENT,

v.

PERRIS UNION HIGH SCHOOL
DISTRICT.

OAH CASE NO. 2009080875

ORDER GRANTING REQUEST TO
EXTEND PROCEDURAL TIMELINES
FOR FAILURE TO PARTICIPATE IN
RESOLUTION SESSION

On August 21, 2009, Parent, on behalf of Student, filed with the Office of Administrative Hearings, Special Education Division (OAH), a request for due process complaint that named the Perris Union High School District (District).

On August 28, 2009, OAH issued an Initial Scheduling Order that set a prehearing conference for October 7, 2009, and a due process hearing on October 15, 2009.

On October 1, 2009, counsel for the District submitted a letter requesting that OAH extend the procedural timelines in this case due to the fact that Student's parent has not participated in a resolution session.

APPLICABLE LAW AND DISCUSSION

The District is a local educational agency (LEA) and must convene a resolution session meeting with the parents and relevant members of the Individualized Education Program (IEP) team within 15 days of receiving notice of the Student's due process complaint. (34 C.F.R. § 300.510(a)(1)(2006).) The resolution session need not be held if it is waived by both parties in writing or the parties agree to use mediation. (34 C.F.R. § 300.510(a)(3)(2006).) If the parents do not participate in the resolution session, and it has not been otherwise waived by the parties, a due process hearing shall not take place until a resolution session is held. (34 C.F.R. § 300.510(b)(3)(2006).) If the LEA is unable to obtain the participation of the parent in the resolution session meeting after reasonable efforts have been made and documented, the LEA may, at the conclusion of the 30 day period, request that the hearing office dismiss the due process complaint. (34 C.F.R. § 300.510(b)(4) (2006).)

The District has made a showing that Student's parent has not participated in a resolution session despite efforts to convene the meeting. This failure operates to delay the timelines for the resolution process. (34 C.F.R. § 300.510(b)(3)(2006).) Accordingly, the District's request to extend the procedural timelines in this case is granted.

ORDER

1. The request by Perris Union High School District to extend the procedural timelines in this case is granted.
2. All previously set dates in this case are vacated.
3. The parties are ordered to participate in a resolution session within 20 business days of this Order.
4. Within five business days of this Order, OAH shall issue a new Scheduling Order in the case.
5. The timeline for hearing in this case shall commence upon the date of this Order.

Dated: October 06, 2009

/s/

TIMOTHY L. NEWLOVE
Presiding Administrative Law Judge
Office of Administrative Hearings