

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. 2011090622

ORDER GRANTING MOTION TO  
EXTEND PROCEDURAL TIMELINES

On August 29, 2011, Parent on behalf of Student (Student) filed with the Office of Administrative Hearings (OAH) a due process hearing request (complaint) naming the Los Angeles Unified School District (District) as the respondent.

On November 2, 2011, attorney Donald A. Erwin filed on behalf of the District a motion to extend procedural timelines due to Student's parent's non-participation in a mandatory resolution session. OAH has received no response from Student.

APPLICABLE LAW

A local educational agency (LEA) is required to convene a meeting with the parents and the relevant members of the Individualized Education Program (IEP) team within 15 days of receiving notice of the Student's complaint. (20 U.S.C. § 1415(f)(1)(B)(i)(I); 34 C.F.R. § 300.510(a)(1).) 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).) 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).) If the LEA is unable to obtain the participation of the parent in the resolution meeting after reasonable efforts have been made and documented, the LEA may, at the conclusion of the 30-day period, request that a hearing officer dismiss the complaint. (34 C.F.R. §300.510(b)(4).)

DISCUSSION

The District's motion, supported by sworn declaration of Sharon Robertson, indicates that Parent did not attend the resolution session scheduled for September 12, 2011. The District attempted to schedule the Resolution Session for September 12, 2011, by letter sent on August 31, 2011, by Lisa Kendrick, Administrative Coordinator of the Due Process Unit of the District. The District never received any response to its letter.

Student's parent is required to participate in a resolution session before a due process hearing may be commenced, and OAH has discretion to dismiss the matter if the parent refuses to participate in a resolution session and the district provides appropriate documentation supporting its motion to dismiss.

There has been no agreement to waive the resolution session or to proceed to mediation in lieu of the resolution session in this case. Moreover, District has established that it made reasonable efforts to obtain Student's parent's participation in a resolution session prior to filing its motion to extend procedural timelines. Student has failed to respond to District's motion to dismiss and has not provided OAH with an adequate reason for failing to participate in a resolution session within 30 days. Therefore, the District's motion to extend procedural timelines complaint is granted.

#### ORDER

1. District's motion to extend procedural timelines is granted.
2. All previously set dates in this matter are vacated.
3. The parties are ordered to participate in a resolution session within fifteen (15) business days from the date of this order.
4. The timelines for hearing established pursuant to Title 20 United States Code section 1415(f)(1)(B) shall recommence on November 7, 2011.

IT IS SO ORDERED.

Dated: November 7, 2011

/s/

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ROBERT HELFAND  
Administrative Law Judge  
Office of Administrative Hearings