

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

TEMECULA VALLEY UNIFIED  
SCHOOL DISTRICT.

OAH CASE NO. 2011110642

ORDER DENYING REQUEST TO  
ACCELERATE TIME LINES

On November 16, 2011, Student filed a Request for Due Process Hearing. On November 21, 2011, the Office of Administrative Hearings (OAH) set this matter for hearing on January 10, 2012. On December 2, 2011, the Temecula Valley Unified School District (District) filed a joint request to waive the 15-day resolution session. This was signed only by District's representative. OAH took no action on this "request."

On December 6, 2011, the parties filed a joint request to continue the hearing in this matter to February 13 through 16, 2012. On the same day, OAH granted the request. On December 7, 2011, the parties filed a joint agreement to waive the 15-day resolution session and to proceed directly to mediation. This document was signed by representatives of both parties. The document further requests that OAH calendar the mediation for January 18, 2012. It is unclear from the document whether the parties intended to request an acceleration of the 45-day time line to conduct a hearing and issue a written decision. In order to maintain clarity of the record, OAH will treat this document as a motion to accelerate time lines.

DISCUSSION AND ORDER

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) However, prior to the commencement of the 45-day time line for the due process hearing and written decision to be rendered, the local education agency (LEA) shall convene a resolution session within 15 days of receiving the notice of due process hearing request. (Ed. Code, § 56501.5, subd. (a)(1).) If the LEA fails to resolve the due process hearing issue to the satisfaction of the parents within 30 days of the receipt of the due process hearing request notice, the 45-day time line to conduct a due process hearing and issue a written decision shall commence. (Ed. Code, § 56501.5, subd. (c).) The 45-day time line may be accelerated if the parties agree in writing to waive the

resolution meeting or if the LEA fails to timely convene the resolution session and the parents request that the 45-day time line commence. (Ed. Code, § 56501.5, subd. (d)(1) and (e)(2).)

Here, the parties have file a document indicating that they have waived the 15-day resolution session and desire to hold a mediation instead. The parties requested a date for mediation that would set mediation after the original hearing date of January 10, 2012. Furthermore, the parties' December 6, 2011 request for a continuance, which was granted by the time the parties filed their notice of waiver of resolution session, already set the hearing in this matter for February 13, 2012, which again places the hearing outside of the original 45-day time line. The parties have not explicitly requested an acceleration of the time lines. However, to the extent that their document may constitute a request to acceleration of the time lines, the request is denied. The matter shall proceed as calendared.

IT IS SO ORDERED.

Dated: December 14, 2011

/s/

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BOB VARMA  
Presiding Administrative Law Judge  
Office of Administrative Hearings