

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. 2014030397

ORDER DENYING STUDENT'S  
REQUEST TO ACCELERATE  
TIMELINES

On April 7, 2014, the Office of Administrative Hearings (OAH) granted Student's request to amend his complaint and deemed the amended complaint filed as of the date of the order. On April 7, 2014, OAH issued a scheduling order setting the matter for mediation on May 13, 2014, from 1:30 PM to 5:00 PM, with a prehearing conference on May 23, 2014, at 10:00 AM, and hearing on June 3, 2014.

On April 8, 2014, Student filed a request to accelerate timelines and re-set this matter to the previously calendared hearing date of May 6, 2014, and mediation date of April 15, 2014.<sup>1</sup> On April 8, 2014, Los Angeles filed an opposition to Student's request to accelerate timelines. On April 9, 2014, Los Angeles filed a further notice clarifying its request to proceed with the currently calendared dates.

APPLICABLE LAW AND DISCUSSION

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

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<sup>1</sup> Student also filed a second request to amend his complaint on April 7, 2014. This request will be addressed in a separate order.

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).)

When the parties mutually agree in writing to waive a resolution session, OAH will advance the dates for mediation, prehearing conference, and hearing to accommodate the beginning of the 45-day timeline for hearing. Here, Los Angeles has not agreed to waive a resolution session. Accordingly, the 45-day time line shall not change.

#### ORDER

1. Student's request to accelerate the 45-day time line to hold a due process hearing and render a written decision is denied.
2. All dates will remain as calendared.

DATE: April 10, 2014

/s/

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THERESA RAVANDI  
Administrative Law Judge  
Office of Administrative Hearings