BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. MENIFEE UNION SCHOOL DISTRICT.	OAH Case No. 2017060872 ORDER DENYING MOTION TO ADVANCE HEARING DATES

On June 20, 2017, Student filed a request for due process hearing with the Office of Administrative Hearings naming Menifee Union School District.

On July 6, 2017, Student filed a motion to advance the due process timeline due to District's failure to attend a resolution session.

On July 11, 2017, District filed an opposition on the ground that the parties engaged in a resolution session on June 29, 2017.

APPLICABLE LAW

When a student files a request for due process hearing, the District is required to hold a resolution session within 15 days of receiving the due process hearing request, unless the parties agree to waive the resolution session in writing. (20 USC § 1415(f); 34 C.F.R § 300.510(c)(1)(2006).)

DISCUSSION

Both parties presented evidence that showed District conducted a resolution session on June 29, 2017, within 15 days of receiving Student's complaint. Whether District failed to invite appropriate IEP team members to the resolution session or failed to conduct the meeting appropriately may be the subject of a due process complaint, but does not bear on the issue of advancing hearing timelines under section 300.510.

ORDER

Accordingly, Student's motion is denied. All dates remain as scheduled and the matter shall proceed as follows:

Mediation:	July 25, 2017 at 9:30 a.m.
Prehearing conference:	August 7, 2017 at 1:00 p.m.
Due process hearing:	August 15, 2017 at 9:30 a.m.

DATE: July 21, 2017

DocuSigned by:

COLE DALTON
Administrative Law Judge
Office of Administrative Hearings