BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

ELK GROVE UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026070753

ORDER FOLLOWING PREHEARING CONFERENCE FOR HEARING BY VIDEOCONFERENCE GRANTING MOTION TO DISMISS FOR FAILING TO PARTICIPATE IN A RESOLUTION SESSION

SEPTEMBER 28, 2026

On September 28, 2026, Administrative Law Judge Tiffany Gilmartin, Office of Administrative Hearings, held a prehearing conference by videoconference. The Administrative Law Judge is called an ALJ. The Office of Administrative Hearings is called OAH. The prehearing conference is called a PHC.

Attorney Diana Renteria appeared on behalf of Student. Attorney Rebel Halabi-Boutros appeared on behalf of Elk Grove Unified School District. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

FAILURE TO PARTICIPATE IN RESOLUTION SESSION

Elk Grove filed a motion to dismiss Student's request for due process on August 19, 2026. At the PHC on August 25, 2026, the matter was continued and parties were ordered to participate in a resolution session. Elk Grove renewed its motion to dismiss during the September 28, 2026, PHC as Student had not participated in a resolution session with Elk Grove.

APPLICABLE LAW

A local education agency is required to meet with the parents and Student's relevant Individualized Education Program team members within 15 days of receiving Student's complaint. (20 U.S.C. § 1415(f)(1)(B)(i)(I); 34 C.F.R. § 300.510(a)(1)(2006).) The meeting called a resolution session, can be waived in writing by both parties or if they agree to use mediation. (34 C.F.R. § 300.510 (a)(3).) If the parents do not attend the resolution session, and it was not waived, there is no due process hearing until the resolution session is waived or held. (34 C.F.R. § 300.510(b)(3).) The respondent can request the case be dismissed after the 30-day period, if it documented reasonable efforts to hold the resolution session and the parents did not attend (34 C.F.R. § 300.510(b)(4).)

STUDENT FAILED TO PARTICIPATE IN RESOLUTION SESSION

Elk Grove asserts Student failed to respond to any efforts to engage in resolution of this case since Student was ordered to attend a resolution session in the

August 25, 2026, Order Following Prehearing Conference. Counsel for Elk Grove emailed counsel for Student on September 18, 2026, and attached a copy of the August 25, 2026, Order Following Prehearing Conference. Student's counsel confirmed receipt of the email on the record. Elk Grove received no reply from the September 18, 2026, communication. Student's counsel did not provide justification for Student's failure to participate in the resolution session. This is particularly significant in this case as a prior prehearing conference had been held and the matter continued for over a month to permit the resolution session to occur.

ORDER

1. Elk Grove's motion to dismiss is granted.

2. OAH Case number 2026070753 is dismissed without prejudice.

IT IS SO ORDERED.

Tiffany Gilmartin

Tiffany Gilmartin
Administrative Law Judge
Office of Administrative Hearings