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 2026080231

ORDER FOLLOWING PREHEARING CONFERENCE, GRANTING MOTION TO DISMISS FOR FAILURE TO PARTICIPATE IN RESOLUTION SESSION, DISMISSING CASE WITHOUT PREJUDICE

SEPTEMBER 11, 2026

On September 11, 2026, Administrative Law Judge Daniel Senter, 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. Attorneys Rebal Halabi-Boutros and Kendra Eaton 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:

MOTION TO DISMISS

On July 31, 2026, Student filed a due process hearing request with OAH, naming Elk Grove. On August 26, 2026, Elk Grove filed a motion to continue the due process hearing.

At the August 31, 2026, PHC, Elk Grove asserted that it attempted to schedule a resolution session with Student twice, but to date, had been unable to convene a resolution session. Elk Grove asserted it contemplated filing a motion to dismiss due to Student's failure to participate in a resolution session.

In addition, at the August 31, 2026, PHC, Student asserted it was uncertain whether Student had participated in a resolution session. Student stated it did not oppose the continuance request, if there had not been a resolution session held in this matter. However, Student stated if a resolution session had occurred, then Student would oppose the motion.

The undersigned granted Elk Grove's motion to continue at the August 31, 2026, PHC. The prehearing conference was continued to September 11, 2026, and the due process hearing was continued to September 22, through 24, 2026.

On September 9, 2026, Elk Grove filed a motion to dismiss for Student's failure to participate in a mandatory resolution session, supported by three declarations and attached exhibits. Elk Grove asserted that it scheduled two resolution sessions prior to the August 31, 2026 PHC, but Parent did not attend either of them via the electronic links provided to attend. Elk Grove contended that when it subsequently contacted

Parent via telephone, Parent indicated she wanted her non-attorney advocate, Mr. Peters, to attend. Elk Grove asserted that it had attempted to include Mr. Peters in the scheduled resolution sessions, but either Mr. Peters did not respond or he did not attend the resolution sessions at the agreed upon times. On August 31, 2026, following the first PHC in this matter, Elk Grove again attempted to schedule a resolution session, by emailing Student's attorney, Ms. Renteria, as well as Mr. Peters, but received no response.

Student did not file an opposition. At the September 11, 2026, PHC, Student opposed the motion, asserting that Parent demonstrated good faith attempts to participate in the scheduled resolution sessions, but due to timing and phone connection issues, the resolution sessions did not occur. Student confirmed that Student did not waive the resolution session or agree to mediation in lieu of a resolution session. Attorney Renteria further confirmed she received Elk Grove's August 31, 2026, email, in which Elk Grove attempted to again schedule a resolution session, but Renteria asserted it "fell through the cracks."

A local educational 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 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).)

Parent is required to participate in a resolution session before a due process hearing may be commenced. Elk Grove made reasonable efforts to obtain parental participation before filing its motion to dismiss. Parent also did not agree to waive the resolution session. Student's oral opposition provided no reasonable explanation for Student's failure to respond to Elk Grove's communications or to attend a resolution session. Dismissal is further supported in this case, given that Student's failure to participate in a resolution session was discussed at the August 31, 2026, PHC and, despite the granting of a continuance in this case that afforded additional time to convene a resolution session, as well as Elk Grove's subsequent attempt to schedule a resolution session, Student failed to participate or respond to Elk Grove. Accordingly, Elk Grove's motion to dismiss was granted.

ORDER

Elk Grove's motion to dismiss is granted, and the matter is dismissed without prejudice. All dates are vacated.

IT IS SO ORDERED.

Daniel Senter

Daniel Senter
Administrative Law Judge
Office of Administrative Hearings