

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SACRAMENTO CITY UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2014080030

ORDER DENYING REQUEST TO
RESCHEDULE MEDIATION AND
SETTING MEDIATION

Student filed this case on July 30, 2014. The Office of Administrative Hearings scheduled a mediation on September 2, 2014. On August 7, 2014, the parties submitted a joint request to reschedule the mediation to August 26, 2014. On August 8, 2014, OAH inadvertently issued a notice of rescheduled mediation granting the request.

A school district must convene a meeting to discuss the issues raised in a due process complaint in order to attempt to resolve the dispute. (34 C.F.R. § 300.510 (a)(1), (2).) This meeting is commonly known as a resolution session. A resolution session need not be held if the parent and school district agree in writing to waive it (*Id.* at § 300.510 (a)(3)(i)) or if the parent and school district agree to use mediation instead of a resolution session (*Id.* at § 300.510 (a)(3)(ii)). If the parties agree to waive the resolution session, the 45-day timeline for a due process hearing begins the day after the waiver. (*Id.* at § 300.510(c)(1).) However, the timeline does not automatically begin if the parties agree to use mediation instead of a resolution session. (*Id.* at § 300.510(c).)

In this case, the parties requested that the mediation be held during the resolution period. There is no indication that the parties agreed to either use mediation instead of a resolution session, or waive the resolution session. Accordingly, the mediation shall is scheduled for September 2, 2014.

DATE: August 22, 2014

/s/

Judith A. Kopec
Division Presiding Administrative Law Judge
Office of Administrative Hearings