

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LANCASTER SCHOOL DISTRICT.

OAH Case No. 2015090962

ORDER GRANTING REQUEST TO
MEDIATE IN LIEU OF
PARTICIPATION IN A RESOLUTION
SESSION

On October 7, 2015, the parties filed a joint request to reschedule the mediation date in this matter from October 22, 2015 to October 13, 2015. The request is treated as a request to mediate in lieu of participating in a resolution session, and on that basis is granted.

A local educational agency is required to convene a meeting with the parents and the relevant members of the individualized education program team within 15 days of receiving notice of the Student's complaint. (20 U.S.C. § 1415(f)(1)(B)(i)(I); 34 C.F.R. § 300.510(a)(1).) The resolution session need not be held if it is waived by both parties in writing or the parties agree to use mediation. (34 C.F.R. § 300.510(a)(3).) If the parents do not participate in the resolution session, and it has not been otherwise waived by the parties, a due process hearing shall not take place until a resolution session is held. (34 C.F.R. § 300.510(b)(3).) If the LEA is unable to obtain the participation of the parent in the resolution meeting after reasonable efforts have been made and documented, the LEA may, at the conclusion of 30-days, request that a hearing officer dismiss the complaint. (34 C.F.R. § 300.510(b)(4).) Student's parent is required to participate in a resolution session, unless waived or mediated in lieu of resolution, and the Office of Administrative Hearings has discretion to dismiss the matter if the parent refuses to participate in a resolution session and the district provides appropriate documentation.

Here, the parties request OAH to reschedule the mediation within the 30-day resolution period. The parties have not asked and OAH does not consider this a written request to advance the 45-day timeline to conduct a hearing and issue a decision. OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request to mediate is treated as a request to mediate in lieu of participate in a resolution session, and is:

☒ Granted. The mediation in this matter will be set as follows:

Mediation: October 13, 2015 at 9:30 AM

IT IS SO ORDERED.

DATE: October 8, 2015

/s/

JUNE R. LEHRMAN
Presiding Administrative Law Judge
Office of Administrative Hearings