BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. GARDEN GROVE UNIFIED SCHOOL DISTRICT .	OAH Case No. 2018080781 ORDER GRANTING REQUEST TO MEDIATE IN LIEU OF RESOLUTION SESSION

Student filed this matter on August 21, 2018, with The Office of Administrative Hearings. The 30-day resolution session in this matter is set to end on September 20, 2018. On August 22, 2018, the parties filed a joint request to set a mediation date in this matter for August 28, 2018. As such, the requested mediation date would fall within the 30-day resolution time line. The parties did not request to advance any other dates.

APPLICABLE LAW AND DISCUSSION

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); Ed. Code, § 56501.5, subd. (a).) 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); § 56501.5, subd. (b)) or if the parent and school district agree to use mediation instead of a resolution session (*Id*. at § 300.510(a)(3)(ii); § 45401.5, subd. (b)). 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); 56501.5, subd. (d)(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); also see 56501.5, subd. (d).)

When the parties agree in writing to waive a resolution session, OAH will move forward the dates for mediation, prehearing conference, and hearing to accommodate the beginning of the 45-day timeline for hearing.

In this case, the document indicates the parties' desire to move the mediation forward to within the 30-day resolution period. The parties did not express a desire to advance the hearing timeline, which indicates their intent to use mediation in lieu of a resolution session.

Accordingly, this document is being treated as an agreement to use mediation instead of a resolution session, under 34 Code of Federal Regulations part 300.510(a)(3)(ii), and not

a waiver of the resolution session under part 300.510(a)(3)(i) and (c)(1). As a result, the timeline governing this matter shall not change. Therefore, this matter will be set as follows:

Mediation:	August 28, 2018, at 9:30 a.m. – 4:30 p.m. Mediation will take place at Garden Grove Unified School District, 10331 Stanford Avenue, Third Floor, Garden Grove, CA 92840[1]

IT IS SO ORDERED.

DATE: August 23, 2018

DocuSigned by:
Peter Paul Castillo
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PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings

[1] Mediation shall proceed concurrently with mediation in OAH Case No. 2018080546.