BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

SOUTH PASADENA UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026020971

ORDER GRANTING MOTION TO DISMISS COMPLAINT FOR STUDENT'S FAILURE TO PARTICIPATE IN A RESOLUTION SESSION

MAY 22, 2026

On February 23, 2026, Parent on behalf of Student filed a due process hearing request with the Office of Administrative Hearings, called OAH, naming South Pasadena Unified School District. A due process hearing request is called a complaint.

On March 9, 2026, OAH determined Student's complaint insufficient. On March 27, 2026, South Pasadena Unified filed a Notice of Resolution Session Outcome, indicating Parent declined to participate in a resolution session scheduled for March 9, 2026. Student filed an amended complaint on March 22, 2026.

On April 6, 2026, OAH determined Student's amended complaint insufficient. Student filed a second amended complaint on April 20, 2026. On May 7, 2026, OAH determined Student's second amended complaint sufficient.

On May 8, 2026, South Pasadena Unified filed a motion to dismiss the second amended complaint because Parent failed to participate in a resolution session. South Pasadena Unified contends it did not waive its right to hold a resolution session in this matter. The motion was supported by a declaration from South Pasadena Unified's Executive Director of Student Support Services Nancy Goldstein. Student did not file a response to the motion to dismiss.

South Pasadena Unified contends Student's second amended complaint should be dismissed because Parent failed to participate in a resolution session scheduled for April 29, 2026. Goldstein declared that South Pasadena Unified provided Parent with a letter proposing a resolution session on April 29, 2026, 8:30 AM to 10:00 AM.

On April 28, 2026, Goldstein emailed Parent to confirm whether Parent would be attending the April 29, 2026 resolution session. Parent responded on April 28, 2026, stating she would not attend the resolution session, and the complaint would be addressed through the due process hearing. Parent did not attend the April 29, 2026 resolution session.

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).)

Though South Pasadena Unified filed its request to dismiss this case before the 30-day resolution period expired, a resolution session has not occurred at the time of the date of this Order, which is more than 30 days from the date Student filed his second amended complaint. South Pasadena Unified established it made reasonable efforts to hold a resolution session. Student did not attend the resolution session scheduled for April 29, 2026, and Parent indicated no interest in attending a resolution session in this matter.

Parent is required to participate in a resolution session before a due process hearing may be commenced. There was no written agreement to waive the resolution or proceed to mediation in lieu of the resolution session. South Pasadena Unified established that it made reasonable efforts to obtain parental participation before filing its motion to dismiss. Therefore, the motion to dismiss is granted.

ORDER

South Pasadena Unified's motion to dismiss is granted, and the matter is dismissed without prejudice. All previously set dates in this matter are vacated.

Rommel P. Cruz

Rommel P. Cruz

Administrative Law Judge

Office of Administrative Hearings