BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

ANTELOPE VALLEY UNION HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2025090704

ORDER DENYING MOTION TO DISMISS AND DIRECTING PARTIES TO CONDUCT A RESOLUTION SESSION

NOVEMBER 17, 2025

On September 18, 2025, Parent on behalf of Student filed a due process hearing request, called a complaint, with the Office of Administrative Hearings, called OAH, naming Antelope Valley Union High School District, called Antelope Valley. On November 5, 2025, Antelope Valley filed a motion to dismiss Student's complaint for failing to attend the mandatory resolution session. Antelope Valley's motion to dismiss was supported by a declaration under penalty of perjury by its attorney of record.

Student filed an opposition to the motion to dismiss on November 5, 2025. Student's motion to dismiss was supported by a declaration under penalty of perjury by its attorney of record.

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 a student's complaint. (20 U.S.C. § 1415(f)(1)(B)(i)(I); 34 C.F.R. § 300.510(a)(1) (2006); Ed. Code, § 56501.5.) The meeting is called a resolution session, and can be waived in writing by both parties. Alternatively, the parties may agree to use mediation in lieu of the resolution session. (34 C.F.R. § 300.510(a)(3).) If the parents do not attend the resolution session, and it is not waived, the due process hearing cannot proceed. (34 C.F.R. § 300.510(b)(3).) A local educational agency 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).)

Antelope Valley argues that it has attempted to hold the resolution session on two different dates but that Parent and Student's attorney have not appeared. Antelope Valley established that it confirmed a resolution date with Student's attorney for October 9, 2025, at 10:00 a.m., but Student's attorney requested to reschedule the meeting for later that afternoon. Between October 9, and 15, 2025, the parties attempted to find mutually agreeable dates to reschedule the resolution session. On October 17, 2025, the parties confirmed their availability for resolution session on October 23, 2025, at 12:45 p.m. On October 22, 2025, at 12:57 p.m., Student's counsel informed Antelope Valley's he did not receive the meeting link for the meeting and was no longer available to participate. The parties were unable to agree upon a resolution session for later that afternoon, or any time thereafter.

To date, the parties have not participated in a resolution session, or waived this requirement in writing. Student asserts Parent did not refuse to participate in the resolution, and the parties have since agreed to participate in mediation. Antelope

Valley refutes that it agreed to participate in mediation in lieu of the statutorily required resolution session.

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. However, Antelope Valley did not establish that Parent is unwilling to participate in a resolution session. Accordingly, Antelope Valley's motion to dismiss is denied.

However, the due process hearing, scheduled to begin on January 21, 2026, will not be held until either a resolution session is held, or the parties agree to waive the resolution session or proceed to mediation in lieu of the resolution session. Accordingly, unless waived, the parties must participate in a resolution session no later than December 5, 2025. Antelope Valley may renew its motion to dismiss if Parent refuses to participate in the resolution session.

ORDER

1. Antelope Valley's motion to dismiss is denied.
2. The parties are directed to hold a resolution session no later than December 5, 2025, or waive this requirement in writing.

Jennifer Kelly

Jennifer Kelly
Administrative Law Judge
Office of Administrative Hearings