BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

LONG BEACH UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024110578

ORDER DENYING MOTION TO CONVENE RESOLUTION SESSION

DECEMBER 31, 2024

On November 15, 2024, Student filed a due process hearing request with the Office of Administrative Hearings, called OAH, naming Long Beach Unified School District.

On December 24, 2024, Student filed a "Notice of Lack of Resolution Session and Motion for an Order that District Convene a Resolution Session," asking that Long Beach be ordered to convene a resolution session with particular participants. On December 27, 2024, Long Beach filed an Opposition.

A local educational agency is required to meet with the parents and Student's relevant Individualized education program, or IEP, 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).) The law does not define who the required "relevant member or members of the IEP team" are who must attend, except to state that they are those "who have specific knowledge of the facts identified in the due process complaint that "includes a representative of the public agency who has decision-making authority on behalf of that agency." (34 C.F.R. § 300.510(a)(1).) The purpose of the meeting is for the parent of the child to discuss the due process complaint, and the facts that form the basis of the due process complaint, so that the local educational agency has the opportunity to resolve the dispute that is the basis for the due process complaint. (34 C.F.R. § 300.510(a)(2).) The meeting need not be held if the parent and the local educational agency agree to mediate. (34 C.F.R. § 300.510(a)(3).)

A party has the right to present a complaint "with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to such child." (20 U.S.C. § 1415(b)(6); Ed. Code, § 56501, subd. (a) [party has a right to present a complaint regarding matters involving proposal or refusal to initiate or change the identification, assessment, or educational placement of a child; the provision of a free appropriate public education to a child; the refusal of a parent or guardian to consent to an assessment of a child; or a disagreement between a parent or guardian and the public education agency as to the availability of a program appropriate for a child, including the question of financial responsibility].) The jurisdiction of OAH is limited to these matters. (*Wyner v. Manhattan Beach Unified School. Dist.* (9th Cir. 2000) 223 F.3d 1026, 1028-1029.)

In matters alleging a procedural violation, a hearing officer may find that a child did not receive a FAPE only if the procedural inadequacies impeded the child's right to a FAPE, significantly impeded the parent's opportunity to participate in the decision-making process regarding the provision of a FAPE to the parent's child or caused a deprivation of educational benefit. (34 C.F.R. § 300.513.)

Here, the parties agree that a resolution session occurred at which Susan Caskey, District Administrator, and Parent attended. Student's motion contends that the required relevant persons did not attend the resolution session, because only Ms. Caskey attended. Student contends that members of Student's IEP team members should be compelled to attend and seeks an order to that effect. Long Beach disagrees, arguing that Ms. Caskey is a special education administrator who was knowledgeable of the complaint and Student's educational records. Long Beach contends that as the Interim Program Administrator in the Special Education Division, Office of School Support Services, Ms. Caskey was also responsible for attending resolution sessions while the Long Beach's Director of Special Education was on leave. Long Beach further argues that Ms. Caskey had the authority to resolve the complaint.

The motion is denied. Student does not cite any authority giving OAH jurisdiction to order a local educational agency to convene a resolution session, nor to order particular persons to attend. Further, a resolution session has already occurred. As it does not concern the denial of FAPE, nor the conduct of due process hearing procedures within the control of OAH, OAH does not have jurisdiction to address

Student's contentions about Long Beach's alleged lack of compliance.

IT IS SO ORDERED

June Lehrman

June Lehrman

Administrative Law Judge

Office of Administrative Hearings