

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT on behalf of STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2009120749

ORDER RESETTING 45-DAY TIME
LINE FOR ISSUANCE OF DECISION

On December 17, 2009, Parent, on behalf of Student, filed with the Office of Administrative Hearings (OAH) a Due Process Hearing Request (complaint) naming the Los Angeles Unified School District (District). On January 26, 2010, the District filed a request to reset the decision time line because it did not receive a copy of Student's complaint until January 20, 2010. Student did not submit a response to the District's motion.

APPLICABLE LAW

The Individuals with Disabilities Education Improvement Act of 2004 (§ 1400, et. seq. (hereafter IDEA))¹ provides that a party may not have a due process hearing until the notice of a due process hearing request meets the specifications listed in Title 20 United States Code section 1415(b)(7)(A). (§ 1415(b)(7)(B).) Further, Section 1415(c)(2)(A) requires the party requesting the due process hearing serve a copy of the complaint on the opposing party.

DISCUSSION

Student's complaint was not accompanied with proof that Student served a copy of the complaint on the District. The District represented that it received the complaint on January 20, 2010, when OAH provided the District with a copy of the complaint. Student did not serve a copy of the complaint on the District when Student filed the complaint with OAH, so there is no evidence that Student served the complaint on District prior to January 20, 2010. Therefore, the 45-day time line, described above, commenced on January 20, 2010, when the District received a copy of Student's due process notice.

¹ All statutory citations are to Title 20 United States Code, unless otherwise noted.

ORDER

1. The 45-day time line shall be reset and commenced on January 20, 2010.
2. All dates set in this matter are vacated. OAH will issue a new scheduling order.

Dated: January 29, 2010

/s/

STELLA L. OWENS-MURRELL
Administrative Law Judge
Office of Administrative Hearings