

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. 2012010631

ORDER DENYING DISTRICT'S
REQUEST TO RESET THE
TIMELINES FOR MEDIATION AND
DUE PROCESS HEARING

On January 23, 2012, Student filed a Due Process Hearing Request¹ (complaint) against the Los Angeles Unified School District (District) with the Office of Administrative Hearings (OAH). On February 13, 2012, the District filed a Request to Reset the Timelines for Mediation and Due Process Hearing in the matter. Student did not file a response.

APPLICABLE LAW

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Speedy resolution of the due process hearing is mandated by law and continuance of the hearing may be granted only upon a showing of good cause. (Ed. Code, § 56505, subd. (f).)

DISCUSSION

Student's complaint was filed on January 23, 2012 with a proof of service signed by Student's mother. The proof of service indicates that the complaint was served on the District on January 23, 2012. District asserts, in its motion to reset the timelines for mediation and due process hearing, that it first received a copy of Student's complaint on January 31, 2012. However, this assertion remains disputed based on the record. Further, District's includes no sworn declaration in support of its motion.² Therefore, District's

¹ A request for a due process hearing under Education Code section 56502 is the due process complaint notice required under title 20 United States Code section 1415(b)(7)(A).

² See also, OAH's Order of Determination of Sufficiency of Due Process Complaint, dated February 15, 2012. The order questioned why District waited three weeks to inform

assertion that it did not receive a copy of Student's complaint until January 31, 2012, is not supported by the available record at this time, and as such, good cause for resetting the timelines has not been established.

ORDER

1. District's Request to Reset the Timelines for Mediation and Due Process Hearing in the matter is denied without prejudice.

Dated: February 21, 2012

/s/

ADENIYI AYOADE
Administrative Law Judge
Office of Administrative Hearings

OAH that it had not been served with a copy of Student's complaint, after District had received OAH's scheduling order involving Student's complaint on January 24, 2012.