

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT AND ASPIRE PACIFIC
PUBLIC SCHOOL.

OAH Case No. 2015110765

GRANTING MOTION TO RESET
PROCEDURAL TIMELINES

On December 18, 2015, Aspire Pacific Public School filed with the Office of Administrative Hearings a Request to Reset Procedural Timelines, because Student did not serve it with a copy of the complaint on November 17, 2015. In the complaint, Student names both Aspire and Los Angeles Unified School District. Student and District did not submit a response.

APPLICABLE LAW, DISCUSSION AND ORDER

The Individuals with Disabilities Education Act of 2004 (20 U.S.C. § 1400, et. seq.) 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 Section 1415(b)(7)(A). (20 U.S.C. § 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.

Title 34 Code of Federal Regulations part 300.515(a)(1) (2006), and Education Code sections 56502, subdivision (f), and 56505, subdivision (f), require that the hearing be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted. Speedy resolution of the due process hearing is mandated by law and continuance of due process hearings may be granted only upon a showing of good cause. (Ed. Code, § 56505, subd. (f).)

A review of Student's due process complaint shows that Parent, on behalf of Student, only served a copy of the complaint on District. Aspire did not receive a copy of the complaint until November 30, 2015, when District provided Aspire with a copy of the complaint.¹ Accordingly, the procedural timelines will be reset as of November 30, 2015.

¹ Aspire's motion does not state why it waited over three weeks after receiving a copy of Student's complaint to file this motion.

All previously scheduled dates are vacated, and OAH will issue a new scheduling order with dates for mediation, prehearing conference and hearing.

IT IS SO ORDERED.

DATE: December 23, 2015

/s/

PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings