

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. 2010050504

ORDER DENYING MOTION TO
RESET TIMELINES

On September 3, 2010, Parent, on behalf of Student, filed with the Office of Administrative Hearings (OAH) a Due Process Hearing Request (complaint) against the Los Angeles Unified School District (District). On October 4, 2010, the District filed a request to reset the decision timeline because Student did not serve a copy of the complaint on the District until on or about September 28, 2010. Student did not file a response to the District's motion.

APPLICABLE LAW

The Individuals with Disabilities Education Improvement Act of 2004 (20 U.S.C. § 1400, et. seq. (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 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.

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).)

DISCUSSION

Student's complaint indicates that a copy of the complaint was served on the District. The District's motion does not include a declaration that states that it did not receive a copy

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

of the complaint until September 28, 2010. Additionally, the District did not explain why it waited until October 4, 2010, to file its motion when OAH served the scheduling order on September 7, 2010, which should have placed the District on notice that Student had filed a complaint. Therefore, the District has not established good cause to reset the timelines in this matter.

ORDER

1. The District's motion to reset timelines is denied.
2. All dates in this matter remain as scheduled.

Dated: October 18, 2010

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings