

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. 2010090919

ORDER GRANTING DISTRICT'S
REQUEST TO RESET TIMELINE

On September 16, 2010, Student filed a request for due process hearing (complaint) naming the Los Angeles Unified School District (District) as respondent. On October 27, 2010, Lisa Kendrick, on behalf of District, filed and served a letter requesting that the statutory timeline and Scheduling Order be vacated and reset, alleging that the District had not been served with a copy of Student's complaint. District advised that it did not receive a copy of the complaint until October 25, 2010. Student filed no opposition to District's request to reset timeline.

APPLICABLE LAW AND DISCUSSION

The party initiating the Request for Due Process Hearing by filing a written request shall provide the other party to the hearing with a copy of the request at the same time the request is filed with the Superintendent (Office of Administrative Hearings) (OAH). (Ed. Code, § 56502, subd. (c)(1).)

Prior to a party invoking his/her right to an impartial due process hearing, the local educational agency shall convene a resolution session...in accordance with subparagraph (B) of paragraph (1) of subsection (f) of Section 1415 of Title 20 of the United States Code. (Ed. Code, § 56501.5, subd. (a).)

The service of the Request for Due Process Hearing also initiates other mandatory timelines including the 15 day time limit to file a Notice of Insufficiency (Ed. Code, § 56502, subd.(d)(1), and the 45 day timeline for rendering a final administrative decision. (*Ibid.*)

In this matter, Student did not serve a copy of the complaint on the District when he filed his complaint with OAH on September 16, 2010. Student's documents filed with OAH do not include a Proof of Service, nor has Student provided any information to indicate that the District was served with a copy of the complaint. The District received a copy of the complaint

on October 25, 2010. Accordingly, the District's request to vacate the existing timeline, mediation, and hearing dates, is granted.

ORDER

1. The District's request to vacate and reset the timeline is granted.
2. All existing scheduling dates on this matter are vacated.
3. The initial date of filing on this matter is revised to October 25, 2010.
4. OAH is directed to issue a new scheduling order pursuant to this Order.

Dated: November 2, 2010

/s/

CARLA L. GARRETT
Administrative Law Judge
Office of Administrative Hearings