

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. 2011050703

ORDER GRANTING DISTRICT'S  
REQUEST TO RESET DUE PROCESS  
TIMELINES

On May 17, 2011, Parent on behalf of Student, filed with the Office of Administrative Hearings (OAH) a Request for Mediation and Due Process Hearing (Complaint) that named the Los Angeles Unified School District (District).

On May 18, 2011, OAH issued in the case a Scheduling Order which set a mediation date for June 22, 2011, a prehearing conference for July 6, 2011, and a due process hearing for July 12, 2011.

On June 13, 2011, the District filed with OAH a request to reset the hearing timelines in the matter. In this request, the District represented that it did not receive a copy of the Complaint from Parent until June 9, 2011, and therefore did not have an opportunity to schedule a resolution session with Student's parent within 15 days, as required by law. The District seeks an order resetting the hearing timelines in the case in order to comply with the procedural requirements in special education law, including the holding of a resolution meeting. Parent did not object the request. The complaint contains no proof that Parent served the complaint on the District.

The hearing and decision timelines in special education matters are calculated based upon the date that a party receives notice of the due process complaint. (34 C.F.R. §§ 300.510(a), 300.515(a)(2006); Ed. Code, § 56502, subd. (f).) At the same time, both federal and state law require a school district to hold a resolution session within 15 days of receiving notice of a due process complaint from a parent. (34 C.F.R. § 300.510(a)(2006); Ed. Code, § 56501.5, subd. (a)(1).)

Here, the District states that it received the Complaint on June 9, 2011, that with the currently scheduled hearing dates in the case, it cannot comply with the foregoing requirement regarding the holding of a resolution session, and it has a reduced amount of time to prepare for and defend the matter.

The request to reset timelines is granted. The currently scheduled mediation and hearing dates in this matter are vacated. OAH will issue a new scheduling order with all dates based upon the date of this Order.

IT IS SO ORDERED.

Dated: June 20, 2011

/s/

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ADRIENNE L. KRIKORIAN  
Administrative Law Judge  
Office of Administrative Hearings