

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. 2011050729

ORDER GRANTING MOTION TO
RESET 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 21, 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. On June 17, 2011, Student's Parent filed an objection to the District's request. Parent states that she properly served the complaint on the District at the same time she filed it with OAH. However, Parent provided no proof that she served the complaint on that date and, significantly, provided no proof that the District received the complaint on or about May 17, 2011, even if Parent did mail it to the District as she states.

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, and with the currently scheduled hearing dates in the case, cannot comply with the

foregoing requirement regarding the holding of a resolution session, and 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 hereby vacated. OAH will issue a scheduling order with the mediation and hearing dates. The hearing timelines shall commence with the issuance of the new scheduling order.

IT IS SO ORDERED.

Dated: June 20, 2011

/s/

DARRELL L. LEPKOWSKY
Administrative Law Judge
Office of Administrative Hearings