

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. 2013100106

ORDER DENYING DISTRICT'S  
REQUEST TO VACATE MEDIATION  
AND DUE PROCESS DATES AND  
REQUIRING PARTIES TO ATTEND A  
RESOLUTION SESSION

On September 30, 2013, attorney Jennifer Guze Campbell filed with the Office of Administrative Hearings (OAH) a Due Process Hearing request (complaint) on behalf of Parent on behalf of Student (Student) naming the Los Angeles Unified School District (District) as the respondent.

On October 3, 2013, OAH issued a scheduling order which scheduled Mediation on November 3, 2013, telephonic Prehearing Conference on November 18, 2013, and the Due Process Hearing on November 26, 2013.

On October 10, 2013, Sue Talesnick, an administrative coordinator with compliance support and monitoring section of the District, filed on behalf of District a request to vacate mediation and due process dates and for OAH to issue a new scheduling order due to the District not being timely served.

On October 14, 2013, Student filed an opposition. Student contends that the complaint was timely served and objects to continuing the mediation and due process dates. The proof of service attached to the complaint indicates that service was perfected on the District by facsimile and U.S. Mail addressed to Patrick Balucan, Assistant General Counsel of the District. Student attaches as evidentiary support to his opposition a copy of the Facsimile receipt which demonstrates two unsuccessful attempts to fax the complaint on September 27, 2013 at 10:51 a.m. and 12:22 p.m. with the fax being received at 8:24 p.m. Thus, service was timely perfected.

On October 15, 2013, the District filed a reply to Student's opposition.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) OAH has reviewed the request for good cause and considered all relevant

facts and circumstances. The request is denied as the District has sufficient time to conduct a Resolution Session as well as to prepare for mediation and the due process hearing.

ORDER

1. The District's request to vacate the Mediation and Due Process dates is denied.
2. The Parties are ordered to attend a Resolution Session within 10 business days from the date of this order.
3. All dates to remain as scheduled in the October 3, 2013 Scheduling Order.

Dated: October 16, 2013

/s/  
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ROBERT HELFAND  
Administrative Law Judge  
Office of Administrative Hearings