BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

ROUND VALLEY UNIFIED SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NUMBER 2021010166

ORDER FOLLOWING HEARING BY VIDEOCONFERENCE VACATING HEARING DATES AND RESETTING TIMELINES

FEBRUARY 02, 2021

On February 2, 2021, Administrative Law Judge Deborah Myers-Cregar, Office of Administrative Hearings, went on the record for the scheduled videoconference due process hearing. The Administrative Law Judge is called an ALJ. The Office of Administrative Hearings is called OAH.

Damara Moore, Attorney at Law, appeared on behalf of Round Valley Unified School District, known as Round Valley. Ryan Weidaw represented Round Valley. Parent appeared on behalf of Student, telephonically, but was not ready to participate in the hearing. Student's other Parent did not answer the videocall. Based upon discussion with the parties, the ALJ issues the following order:

PROCEDURAL SAFEGUARDS

On January 7, 2021, Round Valley filed a due process complaint naming Student. The complaint included a statement of facts alleging the need to reassess Student, the description of the problem, and a proposed resolution of assessing Student without parental consent. The complaint included the name and address of residence of Student. The complaint did not include the mailing address of Student. (Ed. Code, §§ 56500.2, subd. (c); 56502, subd. (c)(1)(A).)

OAH served Parents the Scheduling Order on January 8, 2021, and the Order following Prehearing Conference on January 25, 2021. OAH served parents at their residence address listed on the complaint. OAH did not have another address for parents.

The due process hearing request notice shall be deemed sufficient, unless the party receiving the notice notifies the due process hearing officer and the other party in writing that they believe the due process hearing request notice has not met the notice requirements. (20 U.S.C. § 1415(b)(7)(A); Ed. Code, § 56502, subd. (d)(1).)

At the start of the due process hearing, Parent represented on the record that he did not have notice of the hearing. Parent explained he did not have a physical house number assigned to his home, and he did not receive mail there. Parent lived on an Indian reservation. Parent represented he only received mail at a P.O. Box. The P.O. Box was confirmed to be the same one listed on Student's Individualized Education Program that Round Valley included as a proposed exhibit for hearing.

The ALJ determined that proper notice was not provided to Student because Parent provided notice on the record that they only receive mail at their P.O. Box. (Ed. Code, § 56502, subd. (d)(1).) Therefore, it is ordered that:

1. All due process hearing dates and timelines are vacated.
2. Round Valley shall serve the complaint on Parent's at their P.O. Box, on February 2, 2021, by the close of business. The complaint will be deemed filed on February 2, 2021.
3. OAH shall issue a new scheduling order.

IT IS SO ORDERED.

Deborah Myers Cregar

Deborah Myers-Cregar

Administrative Law Judge

Office of Administrative Hearings