BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENTS ON BEHALF OF STUDENT, v. CUPERTINO UNION SCHOOL DISTRICT,	OAH CASE NO. 2013040122
PARENTS ON BEHALF OF STUDENT, v. CUPERTINO UNION SCHOOL DISTRICT.	OAH CASE NO. 2013030785 ORDER GRANTING MOTION TO REQUIRE SERVICE OF PREHEARING DOCUMENTS ON STUDENT BY FAX TRANSMISSION

On May 9, 2013, Parent on behalf of Student filed a motion for an order that the Cupertino Union School District (District) be required to serve prehearing documents in this consolidated matter by fax and mail. No opposition has been received, but neither has Student filed a proof of service of his motion on District.

The procedures described in the Office of Administrative Hearings (OAH) publication "Guide to Understanding Special Education Due Process Hearings," and the OAH proof of service form, provide for service on other parties to a due process matter by hand delivery, U.S. mail or fax transmission. [1]

By this motion, Student has requested service of prehearing documents by fax to ensure that Student has sufficient time in which to respond. Student's request for service of prehearing documents by fax is reasonable, conforms to OAH procedural requirements and does not impose an additional burden on District. Accordingly, Student's motion will be granted.

[1] Both the published guide and the proof of service form may be found at the OAH website at: http://www.dgs.ca.gov/oah/SpecialEducation.aspx.

ORDER

1. District shall serve all prehearing documents, including prehearing conference statements and witness and exhibit lists, on Student by fax transmission at the number set forth on Student's motion. This order shall not apply to the exchange of evidence binders on each other in compliance with Education Code section 56505, subdivision (e)(7), which shall be served by hand delivery or U.S. mail.

2. District is not required to serve copies of faxed documents to Student by mail.

3. Student is ordered to serve District with copies of all further documents filed by Student in this due process proceeding, and to include a proof of service with all documents filed with OAH.

IT IS SO ORDERED.

Dated: May 14, 2013

/s/

ALEXA J. HOHENSEE
Administrative Law Judge
Office of Administrative Hearings