BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENT ON BEHALF OF STUDENT,	OAH CASE NO. 2013050864
v.	ORDER FOR SUBMISSION OF ADDITIONAL EVIDENCE
SAN JOSE UNIFIED SCHOOL DISTRICT.	

On June 3, 2013, San Jose Unified School District (District) filed a motion to dismiss a portion of Student's due process hearing request (complaint). District asserted, in part, that Student's Issue A regarding an individualized education program (IEP) dated May 17, 2011, was barred by two-year statute of limitations for special education due process claims, because Student did not file his complaint until May 22, 2013. (See Ed. Code, § 56505, subd. (l); see also 20 U.S.C. § 1415(f)(3)(C).)

On June 5, 2013, Student filed an opposition, arguing in part that Student fax filed his complaint on May 17, 2013, but re-filed the complaint on May 22, 2013 with a corrected caption at the request of the Office of Administrative Hearings (OAH). Student's opposition was supported by the sworn declaration of counsel, and a proof of service that (i) made no reference to Student and (ii) had a partially obscured transmission date and time stamp.

OAH requires further information concerning the alleged May 17, 2011 filing prior to ruling on District's motion.

Accordingly, Student shall, within three business days from the date of this order, submit a complete copy of the complaint allegedly filed with OAH by fax on May 17, 2013 with all transmission information clearly legible, including the proof of service for that complaint and a printed confirmation of the date and time of the May 17, 2013 fax transmission. District shall, within three business days from the date of this order, submit a complete copy of the complaint allegedly served by fax on District's superintendent Vincent Matthews on May 17, 2013, with any additional documentation in District's possession

Regarding the date and time that the fax transmission was received. All documents submitted shall be clearly identified and authenticated by sworn declarations.

IT IS SO ORDERED.

Dated: June 14, 2013

/s/
ALEXA J. HOHENSEE
Administrative Law Judge
Office of Administrative Hearings