

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

BAKERSFIELD CITY SCHOOL
DISTRICT.

OAH CASE NO. 2015010661

ORDER DENYING DISTRICT'S
MOTION TO RESET DATES

On January 23, 2015, District filed a motion to reset all timelines. District contends the timelines should be reset because Student served the due process hearing request on District on January 14, 2015, to what District states is the wrong address, such that District's notice of the hearing was delayed. District asserts that Education Code section 56502 supports its position. Student opposes the motion, taking the position that Student's attorney has successfully served District at the same address in the past, and in addition, gave District's attorney notice of the due process hearing request within a day of filing.

Contrary to District's position, nothing in Education Code section 56502, subdivision (c)(1) specifies which address a due process hearing request must be served, nor does the statute mandate service to a district's special education department. Here, District does not dispute that one of its departments received the due process hearing request. Further, to the extent District argues that Education Code section 56502, subdivision (d) controls the "timelines" for hearing, it does not. The only "timelines" in Education Code section 56502 that depend on the date of receipt are the timeline to file an NOI and District's timeline to serve a response to Student, which notably is not required to be served on OAH. In sum, District received notice and even if delayed by a few days, District has not demonstrated that there should be any change to the currently scheduled mediation and hearing dates.

District's motion to reset timelines is denied.

IT IS SO ORDERED.

DATE: January 26, 2015

/s/

RICHARD T. BREEN

Presiding Administrative Law Judge
Office of Administrative Hearings