

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

DAVIS JOINT UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2015020729

ORDER REGARDING
SUPPLEMENTAL INFORMATION

Davis Joint Unified School District filed a request for due process hearing on February 12, 2015, naming Student as respondent. Attached to that order was a proof of service indicating the complaint was served on the Office of Administrative Hearings and Tania Whiteleather, Student's attorney of record in another matter. Mother was not listed on the proof of service and OAH has not received a notice of representation from Ms. Whiteleather in this matter.

On February 24, 2015, OAH received a copy of a proof of service from Davis indicating that Mother was served a copy of the complaint on February 23, 2015, via electronic mail.

On February 25, 2015, OAH received a declaration from Mother stating that she had not received notice of the due process complaint from Davis nor a scheduling order from OAH. Mother requested that Davis be ordered to serve her a copy of the complaint. Mother also stated that she had been told that a document for a prehearing conference was due but she was unable to respond because she had not been served with the complaint or scheduling order. OAH's records include a proof of service stating that it sent a Scheduling Order Notice of Dual Hearing Dates Including Expedited Hearing, Prehearing, and Mediation to Mother on February 17, 2015, via mail.

APPLICABLE LAW

For special education matters, service of notice, motions, or other writings pertaining to special education due process hearing procedures, such as the complaint, must be served on the party named in the complaint or if the party is a party with an attorney or other authorized representative of record *in the proceeding*, to the party's attorney or other authorized representative. (See Cal. Code Regs., tit. 5 § 3083 et seq.)

DISCUSSION

A telephonic prehearing conference is scheduled in this matter for Monday, March 2, 2015. The record is unclear when and how Mother was served with a copy of the complaint by Davis. Accordingly, the parties are ordered to submit declarations to clarify this issue. Specifically, Davis is to indicate when and how it served Mother a copy of the complaint. Mother is to indicate when and how she received a copy of the complaint. The declarations are due to OAH by 10:00 a.m. on Monday, March 2, 2015.

ORDER

1. No later than 10:00 a.m. on Monday, March 2, 2015, Davis shall submit to OAH and Mother a declaration and copies of a proof of service confirming when it served Mother a copy of the complaint in this matter, the method it used for service, and include the email address, facsimile number, and or address to where the complaint was sent.
2. No later than 10:00 a.m. on Monday, March 2, 2015, Mother shall submit to OAH and Davis a declaration confirming when she received a copy of the complaint and the manner in which it was received, if at all.

IT IS SO ORDERED

DATE: February 26, 2015

/s/

JOY REDMON
Administrative Law Judge
Office of Administrative Hearings