

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

SANTA ROSA CITY SCHOOLS .
OAH CASE NUMBER 2021080463

ORDER ESTABLISHING SEPTEMBER 15, 2021 AS THE DATE
OF SERVICE OF THE COMPLAINT, SEPTEMBER 22, 2021 AS
THE DATE THE RESOLUTION SESSION WAS HELD, RE-
SETTING TIMELINES, AND CONFIRMING EXISTING
PREHEARING CONFERENCE AND HEARING DATES

SEPTEMBER 28, 2021

On August 16, 2021, Student filed a due process hearing request with the Office of Administrative Hearings, called OAH. Student did not properly serve the complaint on the respondent Santa Rosa City Schools in accordance with Title 5 of the California Code of Regulations, Section 3083, subsection (b), which governs service in OAH special education due process proceedings. By Order dated

September 13, 2021, OAH ordered that the complaint should be properly served on or before September 16, 2021 and a legally compliant proof of service filed with OAH attesting to that fact. On September 16, 2021, attached to a motion, Student filed a proof of service showing service via email, which unless agreed to by the other party is not a legally valid method of service.

Therefore, by Order dated September 21, 2021, Student was ordered to show cause in writing why the matter should not be dismissed. Student filed a response timely on September 27, 2021. District replied on September 28, 2021.

District's filing establishes that on September 15, 2021, Student served the complaint via email and that District accepted that method of service. Now that District has stipulated that email service was by its agreement, the matter may proceed. The parties' filings also establish that a resolution session was held on September 22, 2021. The 45-day timeline for the due process hearing that is set forth in Education Code section 56505(f)(3) does not begin to run until the resolution session is either held or waived. This matter may therefore proceed to hearing.

The 45-day timeline began on September 23, 2021. The existing prehearing conference and hearing dates are consistent with the September 22, 2021 resolution session and are therefore confirmed. No new scheduling order will issue.

PHC Date and Time: October 4, 2021 at 1:00 PM

Due Process Hearing: October 12, 13 and 14, 2021.

IT IS SO ORDERED

A handwritten signature in cursive script that reads "June Lehrman".

June Lehrman

Administrative Law Judge

Office of Administrative Hearings