

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

SAN JUAN UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021090316

ORDER OF DISMISSAL

SEPTEMBER 23, 2021

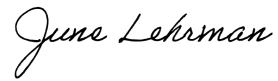
On September 13, 2021, Student filed a due process hearing request with the Office of Administrative Hearings, called OAH. Student did not properly serve the complaint on the respondent San Juan Unified School District. The proof of service attached to the complaint indicated that service had been effected via email. Email is not an authorized form of service in special education due process proceedings before OAH. Nothing here indicates that San Juan Unified School District agreed to accept service by email.

Title 5 of the California Code of Regulations, Section 3083, subsection (b), which governs service in OAH special education due process proceeding, explicitly states: "Unless a provision specifies the form of mail, service or notice by mail may

be by first-class mail, registered mail, or certified mail, by mail delivery service, by facsimile transmission if complete and without error, or by other electronic means as provided by regulation, in the discretion of the sender."

On September 17, 2021 San Juan filed a motion to dismiss for failure to serve the complaint. OAH has received no response from Student. This matter is therefore hereby dismissed.

IT IS SO ORDERED.

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

June Lehrman

Administrative Law Judge

Office of Administrative Hearings