

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

PLEASANT VALLEY SCHOOL DISTRICT.

OAH CASE NUMBER 2026080684

ORDER RESETTING TIMELINES

SEPTEMBER 4, 2026

On August 18, 2026, Parent, on behalf of Student, filed a request for due process hearing, also called a complaint, with the Office of Administrative Hearings, called OAH, naming Pleasant Valley School District as respondent. On August 21, 2026, Pleasant Valley filed a motion to “place all timelines in abeyance” due to Student’s alleged failure to serve the complaint. Pleasant Valley’s motion will be treated as a motion to reset deadlines and hearing dates.

APPLICABLE LAW

A party filing a request for due process hearing is required to provide notice of the filing to the other side, accompanied by a valid proof of service, on the same day the request for due process is filed with OAH. (20 U.S.C. § 1415 (b)(7)(A)(i); Ed. Code §

56502(c)(1); tit. 5, Cal. Code Regs, §1008.) Documents pertaining to special education due process procedures must be served either personally, sent by mail, by delivery service or by facsimile transmission that is complete and without error, or by other electronic means, at the discretion of the sender. Whichever means of service is chosen must be one that ensures receipt by all parties, and by OAH. (Cal. Code Regs., tit. 5, § 3083.)

Filing a request for due process triggers subsequent obligations on the part of the local educational agency and a deadline for issuing a decision in the case. Specifically, a local educational agency is required to meet with the parents and Student's relevant Individualized Education Program team members in a resolution meeting, within 15 days of receiving Student's complaint except where the parties have agreed to waive the meeting or to use mediation. (20 U.S.C. § 1415(f)(1)(B)(i)(I); 34 C.F.R. § 300.510(a)(1) (2006). A due process hearing must be conducted, and a decision rendered, within 45 days of receipt of the due process notice unless an extension is granted. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).)

SERVICE DELAY

Pleasant Valley asserts the complaint was never served on the district or its attorneys. Pleasant Valley's moving papers included email messages between Pleasant Valley's counsel and Student's attorney's office, requesting service of the complaint. Student did not file a response to the motion disputing the authenticity of the emails attached to the motion, or disputing the allegation that Student failed to serve the complaint on Pleasant Valley or its counsel.

While the applicable service regulation allows for facsimile service, it requires that it be without error. Here, Student was put on notice a service error occurred. Despite

this, Student failed to respond to any of the three inquiries informing Student's counsel's office service had failed. Nor did Student offer opposing counsel a different method of service. Student also failed to respond to Pleasant Valley's motion, filed with OAH, requesting timelines be reset. Based on Student's lack of dispute of the facts Pleasant Valley alleged, Student's facsimile service is found to have been incomplete, and service of the complaint in this matter is found not to have been affected.

ORDER

1. Pleasant Valley's motion to reset timelines is Granted.
2. Student shall have until September 11, 2026 at 5:00 PM to serve the complaint in this matter on Pleasant Valley's counsel, with proof of service filed with OAH.
3. If timely service and filing of a proof of service occurs, the complaint shall be deemed filed on the date stated in the new proof of service, and OAH shall issue a new scheduling order.
4. If Student fails to properly and timely serve Pleasant Valley's counsel and timely file proof of service with OAH, the complaint will be dismissed.

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl

Administrative Law Judge

Office of Administrative Hearings