BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2017020642
v.	ORDER DIRECTING RESPONDENT PASADENA UNIFIED SCHOOL DISTRICT TO FILE RESPONSE TO DUE PROCESS COMPLAINT
PASADENA UNIFIED SCHOOL DISTRICT.	

On February 8, 2017, Student filed a request for a due process hearing (complaint), naming Pasadena Unified School District as respondent. The prehearing conference was held on March 27, 2017 and the hearing is scheduled for April 4, 5 and 6, 2017.

State and federal law require a local education agency to make a response to a due process complaint within 10 days of receiving the complaint. (Ed. Code, § 56502(d)(2)(A); Individuals with Disabilities Act, 20 USCA §1415(c)(2)(B)(i)(I); 34 C.F.R., § 300.508.) Accordingly, District was required to provide a response to the complaint by February 20, 2017[1]. The Office of Administrative Hearings has no record of District responding to the complaint.

The case of *M.C. by and through his guardian ad litem M.N. v. Antelope Valley Union High School District* (9th Cir. 2017) 2017 WL 1131821, decided March 27, 2017, states:

> When a school district fails to file a timely answer, the ALJ must not go forward with the hearing. Rather, it must order a response and shift the cost of the delay to the school district, regardless of who is ultimately the prevailing party.

(*Id,* Slip Opinion, p. 18.)

Pasadena Unified School District is hereby ordered to file and serve a response to the complaint no later than 4:00 p.m., March 30, 2017, which complies with state and federal

[1] The tenth day following the complaint's filing fell on a Saturday; therefore, the response was due the following Monday, February 20,, 2017.

law.[2] District's failure to file the response will delay the hearing and the District will be assessed any cost to Student caused by such delay.

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DATE: March 29, 2017

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CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings

[2] If District has already prepared and served a response to the complaint upon Student, District need only file the response and proof of service with OAH.