BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

FREMONT UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026030664

ORDER DENYING MOTION TO COMPEL A RESPONSE TO THE COMPLAINT

MAY 29, 2026

On March 13, 2026, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Fremont Unified School District.

On May 18, 2026, Student filed a motion to compel District to respond to the complaint. The motion had no proof of service on District.

On May 18, 2026, District filed a copy of its response to the complaint indicating it had been served on Student's attorney electronically. District also filed opposition to the motion, stating the motion was moot because its response had been filed and served on Student.

APPLICABLE LAW AND DISCUSSION

The Individuals with Disabilities Education Act requires a school district to send to the parent a response to the parent's due process complaint, within 10 days of receiving the complaint, if the local education agency has not previously sent a prior written notice to the parent regarding the subject matter contained in the parent's complaint. (20 U.S.C. § 1415(c)(2)(B)(i)(I); 34 C.F.R. § 300.508; Ed. Code §56502, subd. (d)(2).)

When a school district fails to respond to the complaint, the ALJ must order a response before the hearing can move forward. (See, *M.C. by and through his guardian ad litem M.N. v. Antelope Valley Union High School Dist.* (9th Cir. 2017) 858 F.3d 1189, 1199-1200.)

After the filing of the motion to compel, District has served and filed its response to the complaint. The motion to compel is denied because it is moot.

IT IS SO ORDERED.

Laurie Gorsline

Laurie Gorsline
Administrative Law Judge
Office of Administrative Hearings