BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

CHIME INSTITUTE'S SCHWARZENEGGER COMMUNITY SCHOOL AND LOS ANGELES UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2019070035

ORDER PARTIALLY GRANTING STUDENT'S MOTION TO COMPEL A RESPONSE

On June 28, 2019, Student filed a request for due process with the Office of Administrative Hearings naming Chime Institute's Schwarzenegger Community School and Los Angeles Unified School District. On July 29, 2019, Student filed a motion to compel Chime Institute's Schwarzenegger Community School and Los Angeles Unified School District to file a response to Student's complaint. On July 31, 2019, Los Angeles Unified School District filed a response to Student's complaint. Chime Institute's Schwarzenegger Community School did not respond to Student's motion.

State and federal law require a school district to respond to a due process complaint within 10 days of receiving the complaint. This response must specifically address the issues raised in the due process hearing request notice. (20 U.S.C. §§ 1415(c)(2)(B)(i)(I) & 1415(c)(2)(B)(ii); Ed. Code § 56502(d)(A)(D).) Failure to file a

response will prevent a matter from proceeding to hearing and may shift the cost of the delay to the school district. (*M.C. v. Antelope Valley Union High School District* (9th Cir. 2017) 858 F. 3d 1189, 1199-1200.)

Student's motion to compel a response is granted as to Chime Institute's Schwarzenegger Community School. Chime Institute's Schwarzenegger Community School is ordered to provide Student with a response to his complaint by 5:00 p.m. on August 9, 2019. Chime Institute's Schwarzenegger Community School is further order to file said response with OAH or a proof of service that it provided a response to Student by 5:00 p.m. on August 9, 2019. Student's motion is denied as moot as to Los Angeles Unified School District.

IT IS SO ORDERED.

DocuSigned by:
Linda Johnson
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DATED: August 2, 2019

Linda Johnson
Administrative Law Judge
Office of Administrative Hearings