BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. COMPTON UNIFIED SCHOOL DISTRICT.	OAH Case No. 2018070090 ORDER DENYING STUDENT'S MOTION TO COMPEL DISTRICT'S RESPONSE TO DUE PROCESS COMPLAINT AND ACCOMPANYING MOTION FOR PAYMENT OF COSTS DUE TO DELAY

On August 7, 2018, Student served and filed a Motion to compel Compton Unified School District's response to Student's due process complaint and Student's accompanying Motion for payment of costs due to delay, including prospective costs for Student's non-public school placement. On August 8, 2018, Compton filed and served an Opposition to Student's Motions. On August 8, 2018, Compton also filed and served a response to Student's due process complaint. On August 9, 2018, Student filed and served a Reply to District's Opposition.

On August 13, 2018, a telephonic prehearing conference was held before Administrative Law Judge Ted Mann, Office of Administrative Hearings. Deanna Sweeney, Attorney at Law, appeared on behalf of Student. Lisa Dennis, Attorney at Law, appeared on behalf of Compton. Student's Motions were argued on the record.

In her motion, Student seeks to compel Compton to file a response to Student's due process complaint. Student's request is moot as Compton filed a response to Student's due process complaint on August 8, 2018. Student also seeks payment of prospective costs for Student's non-public school placement for the delay occasioned by Compton's late filing of its response. Student has failed to establish any delay to the due process hearing in this matter arising from Compton's late filing, and as such there is no basis in law or fact to support such an award of costs as requested by Student.

Based upon the filings and oral argument in this case, the ALJ issues the following order:

Student's Motion to compel Compton's response to Student's due process complaint and Student's accompanying Motion for payment of costs due to delay, including prospective costs for Student's non-public school placement, are denied.

DATE: August 16, 2018

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Ted Mann
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TED MANN
Administrative Law Judge
Office of Administrative Hearings