BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

VENTURA UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021040283

ORDER DENYING MOTION TO COMPEL FURTHER RESPONSE TO COMPLAINT

JUNE 7, 2021

On April 8, 2021, Parents on behalf of Student filed a due process hearing request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Ventura Unified School District. On April 22, 2021, Ventura filed a response to Student's complaint. On April 22, 2021 and May 5, 2021, Ventura filed an amended response and second amended response, respectively, to several correct errors.

On May 26, 2021, Student filed a motion to compel responsive pleading. No opposition has been received.

The Individuals with Disabilities Education Act (20 U.S.C. § 1415, et seq.) requires a school district to respond to a parent's complaint within 10 days if it has not already sent a prior written notice. (20 U.S.C. §§ 1415(c)(2)(B)(i)(I) & 1415(c)(2)(B)(ii).) The due process hearing should not go forward if the school district has not responded to the complaint. (*M.C. v. Antelope Valley Union High School* (9th Cir. 2017) 858 F.3d 1189, 1199.)

A school district response must include four parts. It must contain an explanation of why the school district proposed or refused to take the action raised in the complaint, and a description of other options considered and why they were rejected. It must also describe the evaluation procedure used as the basis for the proposed or refused action, and a description of other factors relevant to the proposed or refused action. (34 C.F.R. § 300.508(e)(1).)

The IDEA also gives the parties named in the complaint the right to challenge the complaint's sufficiency. (20 U.S.C. § 1415(b) & (c).) However, there is no provision in the IDEA or State law for the party filing the complaint to challenge the sufficiency of the response.

Here, Ventura has responded to Student's complaint. Student contends that Ventura's five-page response is insufficient because it fails to respond to Student's 206-paragraph complaint, paragraph by paragraph. Student cites no authority permitting Student as the filing party to dictate the format of Ventura's response beyond what the IDEA requires, and the IDEA provides no process for Student to challenge the substance of Ventura's response.

Accordingly, Student's motion to compel a further response from Ventura is denied.

IT IS SO ORDERED.

Alexa Hohensee

Alexa Hohensee

Administrative Law Judge

Office of Administrative Hearings