

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

PLEASANTON UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021100357

ORDER GRANTING MOTION TO COMPEL RESPONSE

NOVEMBER 8, 2021

On October 13, 2021, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Pleasanton Unified School District. The Office of Administrative Hearings is referred to as OAH. On October 14, 2021, Pleasanton filed a notice of representation. On November 2, 2021, Student filed a Motion to Compel Response. Pleasanton has not filed an opposition.

The Individuals with Disabilities Education Act requires a local educational agency to send parents a response to a due process complaint, within 10 days of receiving the complaint, if the 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); Ed. Code §56502, subd. (d)(2)(B).) The response shall specifically

address the issues raised in the complaint. (20 U.S.C. § 1415(c)(2)(D); 34 C.F.R. § 300.508(f).)

Student asserts Pleasanton has not filed or otherwise provided a response to Student's complaint. Student's case should not proceed to a due process hearing until Pleasanton either provides Parent a response to the complaint or shows proof that it provided a written response as required by 20 U.S.C. § 1415(c)(2)(B)(i)(I). (*M.C. v. Antelope Valley Union High School District* (9th Cir. 2017) 858 F.3d 1189.) Accordingly, Pleasanton is ordered to provide Parent a response to Student's complaint, or proof of having provided a response or prior written notice, no later than 5:00 p.m. on November 12, 2021.

IT IS SO ORDERED.

Theresa Ravandi

Theresa Ravandi

Administrative Law Judge

Office of Administrative Hearings