

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 2021080879

ORDER DENYING STUDENT'S MOTION TO COMPEL  
RESPONSE TO SECOND AMENDED  
DUE PROCESS COMPLAINT

NOVEMBER 17, 2021

On August 27, 2021, Parents on behalf of Student filed a request for due process hearing, 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 September 14, 2021, Student filed a Motion to Amend Complaint and Amended Complaint. On September 22, 2021, OAH issued an Order Granting Motion to Amend Complaint.

On October 20, 2021, Student filed a Motion to Amend Complaint and Second Amended Complaint. On October 26, 2021, OAH issued an Order Granting Motion to File Second Amended Complaint.

On November 10, 2021, Student filed a Motion to Compel Response to Second Amended Due Process Complaint. OAH did not receive a response to Student's motion to compel from Pleasanton Unified School District. On November 16, 2021, Pleasanton Unified School District filed a response to Student's Second Amended Complaint.

State and federal law require a local educational agency to respond to a due process complaint. (20 U.S.C. § 1415(c)(2)(B)(i)(I); 34 C.F.R. § 300.508(e)(1)(i); Ed. Code, § 56502, subd. (d)(2)(A); *M.C. by and through his guardian ad litem M.N. v. Antelope Valley Union High School District* (9th Cir. 2017) 858 F.3d 1189, 1199-1200 (*M.C.*)). California Education Code section 56502(d)(2)(A)-(B) and title 20 United States Code section 1415(c)(2)(B)(i)(I) require a local educational agency to "send to the parent a response" to the due process complaint, if the school district has not sent prior written notice to the parent regarding the subject matter contained in the parent's due process complaint. The response to the complaint must be sent to the parent within 10 days of receiving the complaint.

Here, Pleasanton Unified School District filed its response to Student's Second Amended Complaint on November 16, 2021. As a result, Student's motion to compel is moot. For this reason, Student's motion to compel is denied.

IT IS SO ORDERED.

*Jennifer Kelly*

Jennifer Kelly

Administrative Law Judge

Office of Administrative Hearings