BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. SAN BRUNO PARK SCHOOL DISTRICT.	OAH Case No. 2018040335 ORDER GRANTING STUDENT'S MOTION TO COMPEL RESPONSE

On April 6, 2018, Student filed a request for due process with the Office of Administrative Hearings naming San Bruno Park School District. San Bruno filed a notice of representation on April 6, 2018, but did not file a response to Student's complaint. On May 15, 2018, Student filed a motion to amend the complaint. San Bruno did not object to Student's motion but did not file a response to Student's amended complaint. On May 21, 2018, OAH granted Student's request to amend the complaint. On July 3, 2018, Student filed a motion to compel San Bruno to file a response to Student's amended complaint. San Bruno did not respond.

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.)

San Bruno is ordered to provide Student with a response to her amended complaint by 5:00 p.m. on July 17, 2018. San Bruno 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 July 17, 2018.

IT IS SO ORDERED.

DATE: July 13, 2018

DocuSigned by:
Linda Johnson
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LINDA JOHNSON
Administrative Law Judge
Office of Administrative Hearings