BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. HAYWARD UNIFIED SCHOOL DISTRICT.	OAH Case No. 2017020096 ORDER REQUIRING IMMEDIATE FILING OF RESPONSE TO DUE PROCESS COMPLAINT

On February 1, 2017, Student filed a request for a due process hearing (complaint)[1], naming Hayward Unified School District as respondent. On February 13, 2017, a response to the complaint was due. No response has been received by the Office of Administrative Hearings from Hayward.

State and federal law require a local education agency to make a response to a due process complaint within 10 days of receiving the complaint. (Ed. Code, § 56502; Individuals with Disabilities Act, 20 USCA §1415(c)(2)(B)(i)(I); 34 C.F.R., § 300.508). The case of *M.C. by and through his guardian ad litem M.N. v. Antelope Valley Union High School District (9th Cir. 2017)* 2017 WL 1131821, decided March 27, 2017, has declared, "When a school district fails to file a timely answer, the ALJ must not go forward with the hearing. Rather, it must order a response …"

Hayward Unified School District is hereby ordered to file and serve a response to the complaint no later than 4:00 p.m. today, March 28, 2017. Any issues pertaining to the late filing of the response shall be taken up as preliminary matters when the case is convened for hearing tomorrow, March 29, 2017.

IT IS SO ORDERED.

DATE: March 28, 2017

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Penelope S. Pahl
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PENELOPE S. PAHL
Administrative Law Judge
Office of Administrative Hearings

[1] A request for a due process hearing under Education Code section 56502 is the due process complaint notice required under Title 20 United States Code section 1415(b)(7)(A).