BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

REDONDO BEACH UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2019020379

ORDER DENYING REQUEST TO COMPEL ANSWER AS MOOT

On February 11, 2019, Parents on behalf of Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2019041214, naming Redondo Beach Unified School District. On February 12, 2019, Student filed a Notice of Errata and Declaration, which was considered a Motion to Amend, and a Corrected Request for Due Process which was considered an Amended Complaint. On February 20, 2019, Redondo Beach filed a Response to Student's Request for Due Process Hearing. On February 21, 2019, OAH issued an Order deeming Student's Amended Complaint filed as of that date.

On August 2, 2019, Student filed a Motion to Amend his Due Process Complaint, along with a document entitled: "Student's First Amended Request for Due Process". On August 8, 2019, OAH granted Student's Request to Amend, and deemed the Amended Complaint filed as of that date. The amendment was the second amendment to

Student's original Request for Due Process, and added allegations related to the June 4, 2019 individualized educational program.

On September 11, 2019, Student filed a motion to compel District to file a response to his Second Amended Complaint. On September 13, Redondo Beach filed a response to Student's Second Amended Complaint.

State and federal law require a local education agency to respond to a due process complaint filed on behalf of a child. (Ed. Code, §56502, subd. (d)(2)(A); 20 USC §1415(c)(2)(B)(i)(I); 34 C.F.R. § 300.508.); *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 .) Both the Education Code 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, Redondo Beach filed a response to Student's Second Amended Complaint on September 13, 2019. As such, Student's Motion to Compel a Response by Redondo Beach is moot, and Student's Motion is denied.

IT IS SO ORDERED.

DATED: September 18, 2019

DocuSigned by:
Ted Mann
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Ted Mann
Administrative Law Judge
Office of Administrative Hearings