BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: FREMONT UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2017021203 ORDER STRIKING STUDENT'S RESPONSE AND COUNTER COMPLAINT

On February 28, 2017, Fremont Unified School District filed a request for a due process hearing (complaint), naming Student. On March 2, 2017, Parent sent an email to OAH explaining he was filing a response and counter complaint. Attached to the email were 24 pages containing 31 separate problems or complaints (issues) on the OAH forms often used by parties to request mediation and due process hearing pursuant to the Individuals with Disabilities Education Act. Parent also emailed separately 49 additional pages containing further information concerning the 31 issues. Some of the 31 issues appear to be a response to Fremont's complaint, some appear to be requests for sanctions, and some appear to be issues that would appear in a request for due process filed by a Student pursuant to the IDEA.

The IDEA does not require parents to file a response to a complaint filed by a school district. Further, there is no authority in the IDEA for respondents in this type of action to file a cross-complaint or counter complaint. Accordingly, these documents will be stricken from the record. [1]

IT IS SO ORDERED.

DATE: March 3, 2017

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Rebecca Freie
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REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings

[1] Nothing in this order prevents Student or Parent from filing their own request for due process, which will be assigned a different case number. If this is done, a motion to consolidate both matters may also be filed with OAH for consideration.