BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2017100796
v.	ORDER OF DETERMINATION OF SUFFICIENCY OF DUE PROCESS COMPLAINT
ALTA LOMA SCHOOL DISTRICT.	

On October 18, 2017, Student filed a due process hearing request[1] (complaint) with the Office of Administrative Hearings naming Alta Loma School District. On October 19, 2017, Alta Loma filed a notice of insufficiency as to Student's complaint. The complaint contains one issue, an issue that requires an expedited hearing.

APPLICABLE LAW

Title 20 United States Code section 1415(k)(3) permits a party to request an expedited hearing to appeal a decision regarding a disciplinary change of placement, such as placement in an alternative education setting or a manifestation determination regarding student conduct. This section requires an expedited hearing to occur within 20 school days of the date the hearing is requested. There is no provision similar to that in title 20 United States Code section 1415(c)(2)(A) for testing the sufficiency of a request for an expedited hearing pursuant to section 1415(k). Indeed, there is insufficient time to complete the NOI process in expedited hearings.

DISCUSSION

There is no provision in the Individuals with Disabilities Education Act that allows the filing of a notice of insufficiency in an expedited complaint. The complaint is therefore deemed sufficiently pled. It should be noted that Alta Loma should have records concerning Student with documentation as to what disciplinary action it has taken against Student, the

[1] A request for a due process hearing under Education Code section 56502 is the due process complaint notice required under title 20 U.S.C. section 1415(b)(7)(A).

facts concerning Student's actions that caused him to be disciplined, and documentation as to what occurred at the manifestation determination individualized education program.

ORDER

1. The complaint is deemed sufficient because it was filed pursuant to title 20 United States Code section 1415(k)(3).

2. All mediation, prehearing conference, and hearing dates in this matter are confirmed.

DATE: October 20, 2017

DocuSigned by:

Rebecca Freie

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REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings