BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024081055

ORDER DENYING REQUEST TO DETERMINE STUDENT'S EXPEDITED COMPLAINT INSUFFICIENT

AUGUST 30, 2024

On August 28, 2024, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Los Angeles Unified School District, called Los Angeles. On August 29, 2024, Los Angeles filed a Notice of Insufficiency as to the complaint.

APPLICABLE LAW

Title 20 United States Code section 1415(k)(3) requires an expedited hearing to appeal 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 start within 20 school days from the hearing request. There is no provision for expedited hearings under section 1415(k) to test the complaint's sufficiency. Indeed, there is insufficient time to complete this process in expedited hearings.

DISCUSSION

Student's complaint contains a single expedited issue regarding whether Los Angeles failed to convene a manifestation determination review prior to changing Student's placement in excess of 10 school days. This issue is an expedited claim under 20 U.S.C. § 1415(k)(3).

The procedures applicable to non-expedited claims, such as amended complaints pursuant to 20 U.S.C. § 1415(c)(2)(E), and challenges to the sufficiency of a complaint pursuant to 20 U.S.C. § 1415(b) & (c), do not apply to claims under 20 U.S.C. § 1415(k)(3).

Therefore, because the procedures to challenge the sufficiency of complaints pursuant to 20 U.S.C. § 1415(b) & (c) do not apply to Student's expedited complaint, Los Angeles's request to determine the sufficiency of Student's expedited complaint is denied.

ORDER

1. Los Angeles's request to determine the sufficiency of Student's expedited complaint is denied.
2. All mediation, prehearing conference, and hearing dates in this matter are confirmed.

IT IS SO ORDERED.

Ashok Pathi

Ashok Pathi
Administrative Law Judge
Office of Administrative Hearings