BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

SIERRA SANDS UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025080445

ORDER DETERMINING DUE PROCESS COMPLAINT SUFFICIENT

SEPTEMBER 2, 2025

On August 8, 2025, Student filed a due process hearing request with the Office of Administrative Hearings, called OAH, alleging three issues and naming Sierra Sands Unified School District, called Sierra Sands. Also, on August 8, 2025, Student filed an additional request for due process hearing and an attachment, alleging two additional issues for hearing, naming Sierra Sands. Both requests were filed with OAH at 4:09 pm on August 8, 2025 and included a proof of service dated August 8, 2025 with the time stamp 3:56 pm. Student filed an additional proof of service on August 8, 2025, stating that the following documents were served on Sierra Sands: "OAHSETT22_25," "OAHATTACHMENT42022_2024," and "OAHplacement." Though Student filed two due

process requests, collectively, the five issues alleged by Student, including the attachment, are considered a single complaint.

On August 26, 2025, Sierra Sands filed a Notice of Insufficiency as to the complaint, called an NOI. Sierra Sands asserts that OAH received Student's complaint on August 11, 2025 and that its NOI is timely.

APPLICABLE LAW

The named parties have the right to challenge the complaint's sufficiency. (20 U.S.C. § 1415(b) & (c).) The party filing the complaint is not entitled to a hearing unless the complaint meets the requirements of title 20 United States Code section 1415(b)(7)(A).

The complaint is deemed sufficient unless a party notifies OAH and the other party in writing within 15 days of receiving the complaint that the party believes the complaint has not met the notice requirements. (20 U.S.C. § 1415(c)(2)(C); 34 C.F.R. § 300.508(d)(1); Ed. Code, § 56502, subd. (d)(1).)

DISCUSSION

Student's complaint was filed and served on August 8, 2025. Sierra Sands' NOI was dated, filed with OAH, and served on August 26, 2025, which is more than 15 days after it received Student's complaint. Sierra Sands offered no factual or legal support for its assertion that Student's complaint was filed after August 8, 2025. Sierra Sands' NOI was not timely filed within 15 days of August 8, 2025. Therefore, Student's complaint is deemed sufficient.

One of Student's August 8, 2025, proofs of service listed three documents. A single proof of service shall not pertain to multiple, distinct documents. Moving

forward, Student shall indicate in each proof of service that the filed document was contemporaneously served on Sierra Sands.

ORDER

1. Sierra Sands' NOI was not timely filed.
2. The complaint is deemed sufficient under title 20 United States Code section 1415(c)(2)(C) and Education Code section 56502, subdivision (d)(1).
3. All mediation, prehearing conference, and hearing dates in this matter are confirmed.

IT IS SO ORDERED.

Daniel Senter

Daniel Senter
Administrative Law Judge
Office of Administrative Hearings