BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. TWIN RIVERS UNIFIED SCHOOL DISTRICT AND NATOMAS UNIFIED SCHOOL DISTRICT.	OAH Case No. 2017090154 ORDER DETERMINING NATOMAS'S NOTICE OF INSUFFICIENCY MOOT

On September 1, 2017, Student filed a Due Process Hearing Request with the Office of Administrative Hearings naming Twin Rivers Unified School District and Natomas Unified School District.

On September 15, 2017, Twin Rivers timely filed a Notice of Insufficiency as to Student's complaint. On September 18, 2017, Natomas also filed a Notice of Insufficiency as to Student's complaint. On September 20, 2017, OAH found Student's complaint insufficient as to Twin Rivers and permitted Student to file an amended complaint. On September 26, 2017, Student filed an amended complaint.

APPLICABLE LAW

The named parties to a due process hearing request have the right to challenge the sufficiency of the complaint. (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 the Office of Administrative Hearings 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); Ed. Code, § 56502, subd. (d)(1).)

An amended complaint may be filed when either (a) the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or (b) the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five (5) days prior to the due process hearing. (20 U.S.C. §1415(c)(2)(E)(i).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

DISCUSSION

Here, although Natomas's Notice of Insufficiency was received more than 15 days after Student filed his complaint, OAH determined Student's complaint insufficient as to Twin Rivers and permitted Student to file an amended complaint. Student filed an amended complaint as to both Twin Rivers and Natomas rendering Natomas's Notice of Insufficiency moot.

ORDER

1. Natomas's Notice of Insufficiency is determined moot.

DATE: September 29, 2017

DocuSigned by:
Linda Johnson
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LINDA JOHNSON
Administrative Law Judge
Office of Administrative Hearings