

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

VENTURA UNIFIED SCHOOL DISTRICT.
OAH CASE NUMBER 2022020094

ORDER DETERMINING DUE PROCESS COMPLAINT
SUFFICIENT

FEBRUARY 22, 2022

On February 1, 2022, Student filed a Request for Due Process Hearing, called a complaint, with the Office of Administrative Hearings, called OAH, naming Ventura Unified School District. Also, on February 1, 2022, Student served Ventura with a copy of the complaint. On February 17, 2022, Ventura filed a Motion to Dismiss Issue 2 of the complaint, or in the alternative, a Notice of Insufficiency as to the entire complaint. This Order will only address Ventura's Notice of Insufficiency. The Motion to Dismiss will be addressed in a separate order.

Parties named in a Request for Due Process Hearing 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); Ed. Code, § 56502, subd. (d)(1).)

Ventura filed the Notice of Insufficiency more than 15 days after it received the complaint. Thus, Ventura's Notice of Insufficiency was not timely filed, and Student's complaint is deemed sufficient.

IT IS SO ORDERED.

Tara Doss

Tara Doss

Administrative Law Judge

Office of Administrative Hearings