BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE EXPEDITED MATTER OF:

EL DORADO UNION HIGH SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NUMBER 2022100598

ORDER DENYING STUDENT'S NOTICE OF INSUFFICIENCY

NOVEMBER 7, 2022

On October 20, 202, El Dorado Union High School District, called El Dorado, filed an expedited due process hearing request, called a complaint, with the Office of Administrative Hearings. The complaint named Parent on behalf of Student. On November 4, 2022, Student filed a notice of insufficiency as to the complaint.

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).

However, title 20 United States Code section 1415(k)(3) permits a party to request a hearing that is expedited for specific reasons. Specifically, an expedited hearing can

be requested 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. There is insufficient time to complete the notice of insufficiency process in expedited hearings.

Accordingly, Student's notice of insufficiency in this expedited matter is denied.

IT IS SO ORDERED.

Alexa Hohensee

Alexa Hohensee
Administrative Law Judge
Office of Administrative Hearings