BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

SAN DIEGO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2022090021

ORDER DENYING MOTION FOR CLARIFICATION

SEPTEMBER 29, 2022

On August 31, 2022, Student filed a due process hearing request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming San Diego Unified School District. On September 9, 2022, San Diego filed a response to Student's complaint, requesting withdrawal of perceived duplicative issues from Student's complaint. San Diego also noted omission of the term individualized education program, or IEP, from Student's Issue 1.x.

On September 14, 2022, Student filed a motion to clarify regarding the contentions in San Diego's response. Specifically, Student requests that he be allowed to clarify Issue 1.x.

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); Ed. Code, § 56502, subd. (d)(1).)

DISCUSSION

San Diego did not file a notice of insufficiency within 15 days from the filing of Student's complaint. Student is not required to amend their complaint regarding perceived deficiencies not identified in a notice of insufficiency.

Here, Student clearly states, in the body of his complaint, beginning at page 21, lines 12 through 28 and at page 25, lines 12 through 18, that Issue 1.x. alleges San Diego denied Student a free appropriate public education by failing to revise November 5, 2020 and November 13, 2020 IEPs. Any further clarification of such issues for hearing can be made during the prehearing conference in this matter.

ORDER

Student's motion to clarify his complaint is denied. All prehearing conference and hearing dates in this matter are confirmed.

IT IS SO ORDERED.

Cole Dalton

Cole Dalton
Administrative Law Judge
Office of Administrative Hearings