BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

FOLSOM-CORDOVA UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024110401

# ORDER DETERMINING DUE PROCESS COMPLAINT SUFFICIENT

DECEMBER 3, 2024

On November 13, 2024, Parents on behalf of Student filed a due process hearing request, called a complaint, with the Office of Administrative Hearings, called OAH, naming Folsom-Cordova Unified School District. On December 2, 2024, Folsom-Cordova filed a notice of insufficiency as to Student's 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). 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).)

Here, Student filed the complaint with OAH on November 13, 2024, and served it on Folsom-Cordova on November 12, 2024. Folsom-Cordova represented in its notice of insufficiency that it received the complaint on or around November 12, 2024. Accordingly, Folsom-Cordova's notice of insufficiency is untimely, as it was filed with OAH and served on Student on December 2, 2024, more than 15 days of receiving the complaint. Accordingly, Student's complaint is deemed sufficient under title 20 United States Code 1415(c)(2)(C). All dates previously set in this matter are confirmed.

IT IS SO ORDERED

Cynthia Fritz

Cynthia Fritz
Administrative Law Judge
Office of Administrative Hearings