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 2023090702

ORDER DETERMINING AMENDED DUE PROCESS COMPLAINT SUFFICIENT

JANUARY 17, 2024

On September 25, 2023, Parents on behalf of 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 December 28, 2023, Student filed with OAH and served on San Diego Unified a motion to amend the complaint and an amended complaint.

On December 29, 2023, OAH held a prehearing conference with the parties' attorneys. At the prehearing conference, OAH granted Student's motion to amend the complaint. The amended complaint was deemed filed on December 29, 2023. On

January 16, 2024, San Diego Unified filed a Notice of Insufficiency as to the amended 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).)

Student's amended complaint was deemed filed on December 29, 2023. San Diego Unified's Notice of Insufficiency was dated, filed with OAH, and served on January 16, 2024, which is more than 15 days after San Diego Unified received Student's amended complaint, and the date the amended complaint was deemed filed. San Diego Unified's Notice of Insufficiency was not timely filed within 15 days of receiving the amended complaint. Therefore, Student's amended complaint is deemed sufficient.

ORDER

1. The complaint is deemed sufficient under title 20 United States Code section 1415(c)(2)(C), and Education Code section 56502, subdivision (d)(1).

2. The prehearing conference and due process hearing dates in this matter are confirmed.

Rommel P. Cruz

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Administrative Law Judge

Office of Administrative Hearings