BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

MOUNT SHASTA UNION SCHOOL DISTRICT.

OAH CASE NUMBER 2024050654

ORDER DETERMINING DUE PROCESS COMPLAINT SUFFICIENT

JUNE 4, 2024

On May 16, 2024, Student filed a request for due process hearing, complaint, with the Office of Administrative Hearings, OAH, naming Mount Shasta Union School District. On June 3, 2024, Mount Shasta 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).

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's complaint contains a proof of service indicating service on OAH and Mount Shasta on May 16, 2024. OAH received the complaint before 5:00 PM on May 16, 2024. Mount Shasta alleges the complaint was served before midnight on May 16, 2024, but argues that it was not effectively received until the following day. Mount Shasta produced no legal authority supporting their theory that the time for filing a notice of insufficiency runs from an effective date of receipt as opposed to an actual date of receipt.

Accordingly, Student's 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. All mediation, 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