BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

CHOWCHILLA ELEMENTARY SCHOOL DISTRICT AND MADERA COUNTY SUPERINTENDENT OF SCHOOLS.

OAH CASE NUMBER 2022030872

ORDER OF DETERMINATION OF SUFFICIENCY OF DUE PROCESS COMPLAINT

MARCH 30, 2022

On March 25, 2022, Parent filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Chowchilla Elementary School District and Madera County Superintendent of Schools. On March 30, 2022, Madera County Superintendent of Schools filed a Notice of Insufficiency as to the complaint.

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).

Title 20 United States Code section 1415(k)(3) permits a party to request an expedited hearing for specific reasons. Specifically, an expedited hearing can be requested to appeal 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. Indeed, there is insufficient time to complete the NOI process in expedited hearings.

DISCUSSION

This matter was filed on March 25, 2022. Parents raised issues required to be determined through an expedited hearing process. The IDEA does not provide a mechanism to challenge the sufficiency of an expedited complaint.

ORDER

1. The Order requesting sufficiency is denied.
2. All mediation, prehearing conference, and hearing dates in this matter are confirmed.

IT IS SO ORDERED.

Tiffany Gilmartin
Tiffany Gilmartin (Mar 30, 2022 16:32 PDT)

Tiffany Gilmartin

Administrative Law Judge

Office of Administrative Hearings