BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

ROSS VALLEY SCHOOL DISTRICT.

OAH CASE NUMBER 2022110044

ORDER OF DETERMINATION OF SUFFICIENCY OF DUE PROCESS COMPLAINT

NOVEMBER 28, 2022

On October 31, 2022, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Ross Valley School District. On November 16, 2022, Ross Valley 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).

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

Ross Valley filed their notice of insufficiency on November 16, 2022, 16-days after Student filed their complaint on October 31, 2022. Ross Valley alleges that it received the complaint on or about November 1, 2022. However, the proof of service attached to the complaint reflects service by facsimile on the date of filing, October 31, 2022. Ross Valley provided no evidence to the contrary. Although a legal holiday fell on November 11, 2022, neither the IDEA nor California law extends the time for filing a notice of insufficiency because of an intervening legal holiday. Ross Valley's notice of insufficiency was not timely filed. Accordingly, the 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