

**BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF OREGON
for the
OREGON DEPARTMENT OF EDUCATION**

IN THE MATTER OF THE
EDUCATION OF:

**STUDENT AND MEDFORD
SCHOOL DISTRICT 549C**

) **RULING GRANTING DISTRICT'S**
) **MOTION FOR DETERMINATION OF**
) **SUFFICIENCY OF REQUEST FOR**
) **HEARING AND FINAL ORDER OF**
) **DISMISSAL**
)
) OAH Case No. 2025-ABC-06978
) Agency Case No. DP 25-104

On March 10, 2025, Parents, on behalf of Student, filed a request for a due process hearing (hearing request or complaint) with the Oregon Department of Education (Department). In that complaint, Parents alleged that the Medford School District 549C (the District) violated sections of the Individuals with Disabilities Education Act (IDEA), 20 USC § 1400 *et seq.*, and the corresponding administrative rules. On March 10, 2025, the Department referred the complaint to the Office of Administrative Hearings (OAH), which scheduled a pre-hearing conference for April 11, 2025. The OAH assigned Senior Administrative Law Judge (ALJ) Kate Triana to preside at hearing.

On March 13, 2025, counsel for the District submitted a challenge to the sufficiency of Parent's hearing request (the challenge). In the challenge, the District asserts that portions of Parent's request for hearing fail to meet the requirements of OAR 581-015-2345.

DISCUSSION

Under Oregon law, parents and/or students may request due process hearings to challenge a school district's identification, evaluation, educational placement, or provision of a free and appropriate public education (FAPE) to students who qualify for specially designed instruction and/or related services under the IDEA.

The Department of Education has promulgated administrative rules that mirror the federal regulations applicable to hearings under the IDEA. OAR 581-015-2345¹ identifies requirements for hearing requests and responses to such requests under the IDEA in Oregon and provides, in relevant part:

(1) Request for Hearing:

(a) Parent Requests for a Due Process Hearing:

¹ The requirements of OAR 581-015-2345(1)(a)(B) mirror the federal requirements identified in 20 USC § 1415(b)(7)(A).

(A) A parent may request a due process hearing in accordance with subsection(3) if the parent does not agree with the identification, evaluation, educational placement of a child, or the provision of a free appropriate education to a child who may be disabled.

(B) The parent, or the attorney representing the child, must provide notice to the school district and to the Department when requesting a hearing. The notice (which remains confidential) must[] include:

(i) The child's name and address (or available contact information in the case of a homeless child);

(ii) The name of the school the child is attending;

(iii) A description of the nature of the problem of the child relating to the proposed or refused initiation or change, including facts relating to the problem; and

(iv) A proposed resolution of the problem to the extent known and available to the party at the time.

OAR 581-015-2350² provides for challenges to the sufficiency of a hearing request and provides:

(1) A written request for hearing will be deemed sufficient unless the party receiving the request notifies the administrative law judge and the other party in writing, within 15 days of receipt of the hearing request, that the receiving party believes the notice does not meet the requirements of OAR 581-015-2345.

(2) Within five days of receiving notice that a party is objecting to the sufficiency of the other party's hearing notice, the administrative law judge must make a determination on the face of the hearing request of whether the hearing request meets the requirements of OAR 581-015-2345, and must immediately notify the parties in writing of that determination.

(3) A party may amend its hearing request only if:

(A) The other party consents in writing to the amendment and is given the opportunity to resolve the hearing request through a resolution meeting; or

(B) The administrative law judge grants permission, except that this permission may only be granted at any time not later than five days before a due process hearing occurs.

² The requirements of this rule are nearly identical to the provisions of 34 CFR § 300.508(d).

(4) If a party files an amended hearing request, the applicable timelines for the resolution session and resolution period begin again with the filing of the amended hearing request.

When, as here, a school district challenges the request for hearing, the ALJ must determine *from the face of the hearing request* whether it meets the notice requirements set forth in OAR 581-015-2345. OAR 581-015-2350(2). If the hearing request meets the requirements of the administrative rules, the matter will proceed to hearing. Conversely, if the hearing request fails to meet the basic requirements, the ALJ must dismiss the hearing request. OAR 581-015-2350; OAR 581-015-2345(1)(c). *See also* 34 CFR § 300.508(c).

The purpose for the notice requirements set out in 20 USC § 1415(b)(7)(A)(ii) and OAR 581-015-2345(1)(a)(B)(i) through (iii) is to give the school district the “who, what, when, where, and why” details about the reasons a parent is requesting a due process hearing. The detailed information allows the parties to resolve the issues through mediation or to prepare for a due process hearing. A due process complaint that lacks sufficient factual detail about the nature of the dispute impedes both resolution and an effective due process hearing because it does not provide the other party with adequate notice and makes it very difficult, if not impossible, for the other party to respond to the complaint in any substantive way.

In its Motion, the District contends the complaint does not meet the minimum statutory requirements, as it is completely devoid of the requisite “who, what, when, where, and why” details and does not provide sufficient factual information to allow the District to meaningfully respond. For the reasons set out below, the District’s challenge has merit.

As an initial matter, the complaint contains the Student’s name and address, and the name of the school Student is attending. Thus, the complaint meets the requirements of OAR 581-015-2345(1)(a)(B)(i) and (ii). To meet the other requirements of OAR 581-015-2345(1)(a)(B), the complaint must also include a “description of the nature of the problem of the child relating to the proposed or refused initiation or change, including facts relating to the problem” and “a proposed resolution of the problem to the extent known and available to the party at the time.” OAR 581-015-2345(1)(a)(B)(iii) - (iv).

The complaint is on a Department-issued Request for Due Process Hearing form. It lists Student’s disabilities as “ASD – ADHD – ODD – CD – EBD – OHI.” Complaint at 1. The description of the concerns reads:

Failure to assess the child’s needs. Failure to review relevant information.
District held manifestation hearing and the team disagrees with her decision that this event is not a manifestation of [Student’s] disability. This is in fact a direct result of [Student’s] disability and was already determined to be so at a manifestation for a similar offense last year.

Id. The listed proposed solution is “a non biased review” of all information. *Id.* at 2.

While the complaint alleges a failure to assess Student, it provides no details regarding

the time period in which the District allegedly failed to assess Student. The District is left to speculate what assessment or assessments Parents believe should have been conducted, when, and why. Likewise, the complaint alleges a failure to review relevant information but does not indicate what information should have been reviewed, who failed to review the information, when, and under what circumstances the failure occurred.

The complaint next addresses a manifestation hearing, but fails to indicate when this was held, and the circumstances leading to the hearing. There is no indication who “the team” or “her” refers to when it references that “the team” disagrees with “her” decision. There is no indication what the decision was (beyond that some event was not a manifestation of Student’s disability), who made it, when it was made, and what information was used to make the decision. There is also no indication what information *should* have been used and why the decision was incorrect. While the complaint references a “similar offense” the prior year, there is again no information about what the event was, when it occurred, who made the decision, and what information was used to make such a decision. Finally, there is no information about why Parents believe any conduct by Student was a direct result of Student’s disability.

Finally, the complaint does not address any specific resolution beyond requesting a non-biased review. There is no indication as to what determination Parents would like to see as a result of that review, or what remedy Student may be entitled to based on the outcome review.

Without the above discussed information, in particular the who, what, when, and why the complaint was filed, the District is unable to provide a meaningful response or prepare a defense for hearing. As such, the complaint does not meet the sufficiency standards for hearings brought under the IDEA. Pursuant to OAR 581-015-2350(3), Parent may amend a hearing request only if: (A) the District consents or (B) the ALJ grants permission. Pursuant to OAR 581-015-2350(4), if a party files an amended hearing request, the applicable timelines for the resolution session and resolution period begin again with the filing of the amended hearing request. Pursuant to OAR 581-015-2350(3), this ruling and order grants Parents leave to amend if Parents deem it appropriate. However, any such amendment to the complaint herein must be filed within 14 calendar days of this ruling and order.

RULING and ORDER

The District's Motion for Determination of Sufficiency of Request for Hearing is **GRANTED**.

The due process complaint filed by Parent on March 10, 2025, is insufficient and therefore **DISMISSED**.

The ALJ hereby grants leave for Parents to file an amended due process complaint. If Parents elect to amend the complaint, the amendment must be filed no later than April 1, 2025. Any amended complaint must be complete and sufficient on its face. If Parent elects to file an amended due process complaint, all relevant timelines will begin anew as of the date of filing.

Kate Triana

Senior Administrative Law Judge
Office of Administrative Hearings

APPEAL PROCEDURE

NOTICE TO ALL PARTIES: If you are dissatisfied with this Order you may, within 90 days after the mailing date on this Order, commence a nonjury civil action in any state court of competent jurisdiction, ORS 343.175, or in the United States District Court, 20 U.S.C. § 1415(i)(2). Failure to request review within the time allowed will result in **LOSS OF YOUR RIGHT TO APPEAL FROM THIS ORDER**.

SERVICEMEMBERS' CIVIL RELIEF ACT

Unless otherwise stated in this order, the Office of Administrative Hearings (OAH) has no reason to believe that a party to this proceeding is subject to the Servicemembers' Civil Relief Act (SCRA). If a party to this proceeding is a servicemember who did not appear for the hearing, within the servicemember's period of service, or 90 days after their termination of service, that party should immediately contact the agency to address any rights they may have under the SCRA.

CERTIFICATE OF MAILING

On March 18, 2025 I mailed the foregoing RULING GRANTING DISTRICT'S MOTION FOR DETERMINATION OF SUFFICIENCY OF REQUEST FOR HEARING AND FINAL ORDER OF DISMISSAL in OAH Case No. 2025-ABC-06978 to the following parties.

By: Certified Mail

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