BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

# IN THE MATTER OF:

# PARENTS ON BEHALF OF STUDENT,

v.

# UKIAH UNIFIED SCHOOL DISTRICT AND HEALDSBURG UNIFIED SCHOOL DISTRICT.

# OAH CASE NUMBER 2021040310

# ORDER OF DETERMINATION OF SUFFICIENCY OF DUE PROCESS COMPLAINT

APRIL 21, 2021

On April 6, 2021, Parent, on behalf of Student, filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Healdsburg Unified School District and Ukiah Unified School District as respondents. On April 21, 2021, Ukiah filed a Notice of Insufficiency as to Issue F, asserting that it was too vague as to the procedural allegations asserted against Ukiah. No response to Ukiah's NOI was received from either Student or Healdsburg.

## 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).

A complaint is sufficient if it: (1) describes the problem relating to the proposed change regarding the Student's identification, evaluation, or educational placement, or providing the Student a free appropriate public education; (2) includes facts about the problem; and (3) includes a proposed resolution to the extent known and available to the party at the time. (20 U.S.C. § 1415(b)(7)(A)(ii)(III) & (IV).) These requirements prevent vague and confusing complaints, and promote fairness by providing the named parties with sufficient information to know how to prepare for the hearing and how to participate in resolution sessions and mediation. (*D.F. v. Collingswood Public Schools* (D.N.J., Jan. 8, 2013) 2013 WL 103589, at *4 citing, 20 U.S.C. § 1415(b)(7)(A)(ii); *aff'd D.F. v. Collingswood Borough Bd. of Educ. (3d Cir. 2015) 596 Fed.Appx. 49, 52, f.n.2* [nonpub. Opn.]; see, H.R. Rep. No. 108-77, 1st Sess. (2003), p. 115; Sen. Rep. No. 108-185, 1st Sess. (2003), pp. 34-35.)

The complaint provides enough information when it provides "an awareness and understanding of the issues forming the basis of the complaint." (Sen. Rep. No. 108-185, *supra*, at p. 34.) The pleading requirements should be liberally construed in light of the broad remedial purposes of the IDEA and the relative informality of the due process hearings it authorizes. (*Alexandra R. ex rel. Burke v. Brookline School Dist.* (D.N.H., Sept. 10, 2009, CIV. 06-CV-0215-JL) 2009 WL 2957991; *Escambia County Bd. Of Educ. V. Benton* (S.D. Ala. 2005) 406 F.Supp.2d 1248, 1259-1260; *Sammons v. Polk County School Bd.* (M.D. Fla., Oct. 28, 2005, 8:04CV2657T24EAJ) 2005 WL 2850076 [nonpub. Opn.])

Whether the complaint is sufficient is a matter within the sound discretion of the Administrative Law Judge. (*Assistance to States for the Educ. Of Children with Disabilities & Preschool Grants for Children with Disabilities* (Aug. 14, 2006) 71 FR 46540, p. 46699.)

## DISCUSSION

A review of Student's complaint has identified the following nine issues:

A. Healdsburg denied [Student] of FAPE, May 1-October 2, 2019, by its failures to assess and revise her Individualized Education Program and failure to deliver IEP services.

B. Healdsburg denied [Student] of a FAPE, by failing to offer an IEP on October 3, 2019 that was reasonably calculated to provide educational benefit.

C. Healdsburg's failure to timely review Dr. Friedman's IEE report at an IEP team meeting denied [Student] of a FAPE.

D. Father's purported consent to the non-public school placement was void and Healdsburg's unauthorized NPS placement denied [Student] a FAPE.

E. Healdsburg and Ukiah each predetermined [Student]'s NPS placement & denied Student aa FAPE.

F. Healdsburg and Ukiah each denied [Student] of a FAPE by their respective procedural violations that prevented Mother's meaningful participation in educational decisions

G. Healdsburg and Ukiah's 's respective failures to offer Student a residential treatment center placement in an appropriate IEP denied [Student] of a FAPE

H. Healdsburg is obligated for funding Student's RTC placement during the period which its special education local plan area and Ukiah would have been obligated to fund the placement if Healdsburg had not denied [Student] of a FAPE.

I. Ukiah's February 9, 2021 IEP failed to offer a FAPE.

These eight issues are found in under the heading "Legal Argument." Under each issue subheading, the facts related to the problem being presented are listed. A section following the issues details Student's proposed resolutions.

The issues alleged in Student's complaint are sufficient to put respondents on notice as to the issues to be resolved and to permit respondents to respond and participate in a resolution session and mediation.

## ORDER

1. The complaint is sufficient under title 20 United States Code section 1415(b)(7)(A)(ii).
2. All mediation, prehearing conference, and hearing dates in this matter are confirmed.

## IT IS SO ORDERED.

*Penelope S. Pahl*

Penelope S. Pahl
Administrative Law Judge
Office of Administrative Hearings