BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

ANAHEIM UNION HIGH SCHOOL DISTRICT AND HACIENDA LA PUENTE UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021040746

ORDER GRANTING NOTICE OF INSUFFICIENCY

MAY 10, 2021

On April 22, 2021, Parents on behalf of Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Anaheim Union High School District and Hacienda La Puente Unified School District as respondents. On May 7, 2021, Hacienda La Puente Unified School District timely 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).

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. (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[nonpub. Opn.]; *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.]; but cf. *M.S.-G v. Lenape Regional High School Dist. Bd. Of Educ.* (3d Cir. 2009) 306 Fed.Appx. 772, 775 [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 46,540-46541, 46699.)

DISCUSSION

Student's complaint alleged three issues and six proposed resolutions that Hacienda La Puente Unified School District contends are insufficiently pled due to vagueness and lack of notice. Here, the complaint failed to sufficiently put Hacienda La Puente Unified School District on notice of the issues forming the basis of the complaint.

Here, Student's complaint defined Anaheim Union High School District as "AUHSD" and "HLPUSD" for Hacienda La Puente Unified School District. Student also collectively defined "Districts" as Anaheim Union High School District and Hacienda La Puente Unified School District. Throughout the complaint, Student repeatedly referred to "District" not "Districts" in the statement of facts, issues presented, and proposed resolutions, and failed to define the term or explain which respondent is the "District." Additionally, three of the six proposed resolutions also requested relief from "District" without further explanation. Further, Student's complaint failed to specify when Student was attending the individual school districts. Thus, the complaint failed to specify what specific acts or failures to act are attributable to Hacienda La Puente Unified School District sufficient to give it an awareness and understanding of the issues and proposed resolutions such that can be used to prepare for a resolution session, mediation, and due process hearing. Accordingly, the complaint is insufficiently pled as to Hacienda La Puente Unified School District.

ORDER

1. Student's complaint is insufficiently pled under section title 20 United States Code 1415(c)(2)(D) as to Hacienda La Puente Unified School District.

2. Student shall be permitted to file an amended complaint under title 20 United States Code section 1415(c)(2)(E)(i)(II).
3. The amended complaint shall comply with the requirements of title 20 U.S.C. section 1415(b)(7)(A)(ii) and shall be filed not later than 14 days from the date of this order.
4. The amended complaint shall specify the issues and proposed resolutions as they pertain to Hacienda La Puente Unified School District and each responding party.
5. If Student fails to file a timely amended complaint, Hacienda La Puente Unified School District will be dismissed as a party
6. All dates previously set in this matter are vacated as to Hacienda La Puente Unified School District only.

IT IS SO ORDERED.

Cynthia Fritz

Cynthia Fritz

Administrative Law Judge

Office of Administrative Hearings