BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

GLENDALE UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024010776

ORDER DETERMINING DUE PROCESS COMPLAINT SUFFICIENT

FEBRUARY 9, 2024

On January 23, 2024, Student filed a due process hearing request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Glendale Unified School District, called Glendale. On February 7, 2024, Glendale 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.)

STUDENT'S COMPLAINT IS SUFFICIENT

Glendale argues that Student's complaint is insufficient because it failed to describe the nature of Student's problem and provide facts to support the alleged violations. Student's complaint does both.

Student's sole issue is that "Glendale Unified School District has denied [Student] an individualized and appropriate educational program at all times since January 2022. Specifically, [Glendale's] failure to identify [Student] as a student with a disability denied him an appropriate program of special education placement, supports, and services." Therefore, Student's issue is that Glendale failed to identify and find Student eligible for special education and related services.

Glendale objects to Student's complaint, asserting that the "skeletal" facts do not provide sufficient information to allow Glendale to defend itself. However, Glendale demands of Student more than the law requires. Glendale's arguments in its notice of insufficiency demonstrate that it understands the basis of Student's complaint. The additional facts Glendale seeks are matters of proof for the due process hearing.

Student's complaint is sufficient, because it identifies the issue and adequate facts about the problem to permit Glendale and participate in a resolution session, mediation, due process hearing and to defend itself in this matter.

In addition to its notice of insufficiency, Glendale requests that OAH order Student to "provide the facts for Student's claims well in advance of any prehearing conference" to allow Glendale to prepare for hearing. Glendale does not provide any legal authority requiring Student to provide additional facts consistent with its request, or OAH's authority to order Student to do so prior to the prehearing conference. As such, Glendale's request is denied.

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.

Ashok Pathi

Ashok Pathi
Administrative Law Judge
Office of Administrative Hearings