BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

CAMPBELL UNION SCHOOL DISTRICT AND CAMPBELL UNION HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2024080824

ORDER DETERMINING DUE PROCESS COMPLAINT INSUFFICIENT

SEPTEMBER 9, 2024

On August 20, 2024, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Campbell Union School District and Campbell Union High School District. On September 4, 2024, Campbell Union High School District filed a Notice of Insufficiency as to Issue 3 and the proposed resolutions.

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)(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, *3; *Escambia County Board of Education v. Benton* (S.D. Ala. 2005) 406 F.Supp.2d 1248, 1259-1260; *Sammons v. Polk County School Board* (M.D.Fla., Oct. 28, 2005, 8:04CV2657T24EAJ) 2005 WL 2850076, *4; Cf. *M.S.-G v. Lenape Regional High School Dist. Board of Education* (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 Education of Children with Disabilities and Preschool Grants for Children with Disabilities (Aug. 14, 2006) 71 Fed. Reg. 46,540-01, 46699.)

A complaint is required to include proposed resolutions to the problem, to the extent known and available to the party at the time. (20 U.S.C. §1415(b)(7)(A)(ii)(IV).)

DISCUSSION

The only claims alleged against Campbell Union High School District are Issues 3a and 3b, both of which are insufficiently pled. Student asserts that Campbell Union High School District denied Student a free appropriate public education, or FAPE, during the 2023-2024 school year and 2024-2025 school years but there are insufficient facts pled to put it on notice as to the basis of the claims regarding the 2023-2024 school year. The only factual allegations against the high school district are in a footnote and appear to relate to conduct which occurred after the end of the 2023-2024 school year. As such, the complaint fails to provide Campbell Union High School District with the required problem description and the facts relating to the problem as to the 2023-2024 school year regarding Issues 3a and 3b.

With respect to the 2024-2025 school year, Student's claim in Issue 3a is that Campbell Union High School District denied Student a FAPE after June 25, 2024, by failing to develop an appropriate individualized education program, or IEP, offer that addressed Student's speech and language, social emotional, and behavioral deficits. In Issue 3b, Student's claim is that Campbell Union High School District failed to offer an appropriate placement with appropriate supports after June 25, 2024.

In the footnote, Student alleges that Campbell Union High School District was required to but never held an IEP team meeting after June 25, 2024. However, the complaint also alleges that the high school district "offered" placement with related

services. It is unclear whether Student is only challenging the failure to hold an IEP team meeting by Issues 3a and 3b, or whether Student is instead challenging the substantive" offer" made by Campbell Union High School District. If so, there are no facts alleged supporting Student's challenge to the portions of the "offer" of placement and services Student contends was inappropriate.

Student's complaint includes proposed resolutions but fails to specify which resolutions are sought against Campbell Union High School District. In fact, Student uses the term "Respondent" in the singular, making it unclear to which "Respondent" Student is referring. Based on the allegations in the complaint, there do not appear to be any resolutions proposed as to the high school district. As such, the proposed resolutions are not well-defined, and fail to meet the statutorily required standard of stating a resolution to the extent known and available.

ORDER

1. Issues 3a and 3b are insufficiently pled under title 20 United States Code section 1415(c)(2)(D).
2. The proposed resolutions have been insufficiently pled against Campbell Union High School District under title 20 United States Code section 1415(b)(7)(A)(ii)(IV).
3. Student shall be permitted to file an amended complaint under title 20 United States Code section 1415(c)(2)(E)(i)(II).
4. 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. The filing of an amended complaint will restart the applicable timelines for a due process hearing.

5. If Student fails to file a timely amended complaint, the hearing shall proceed only on Issues 1 and 2 against Campbell Union School District.

IT IS SO ORDERED.

Laurie Gorsline

Laurie Gorsline

Administrative Law Judge

Office of Administrative Hearings