BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

OAK GROVE SCHOOL DISTRICT.

OAH CASE NUMBER 2022020662

ORDER FINDING COMPLAINT SUFFICIENT

MARCH 7, 2022

On February 15, 2022, Student filed a due process hearing request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Oak Grove School District. On March 2, 2022, Oak Grove timely filed a notice of insufficiency as to the complaint.

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, and 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

The facts alleged in Student's complaint are sufficient. Student alleges that although Student was found eligible for speech services, he had social emotional, academic and behavioral needs that interfered with his education, but were not assessed or addressed by Oak Grove. Student alleges three claims, that Oak Grove (1) failed to timely and appropriately assess Student in all areas of need, (2) failed to include identify, include goals for, or offer services for Student's academic, auditory processing, behavior, social emotional, or executive functioning needs, and (3) denied Parent participation in the individualized education program development by failing to hold meetings at Parent's request, and failing to give Parent prior written notice when

refusing to implement program changes requested by Parent. Student requests as remedies compensatory education, independent assessments, an appropriate placement and staff training.

Student's complaint identifies the issues and adequate facts about the problem to permit Oak Grove to respond and participate in a resolution session and mediation. Oak Grove requests additional detail regarding Student's allegations, which may be discussed at those times.

Therefore, Student's statement of the three claims is sufficient.

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.

Alexa Hohensee

Alexa Hohensee
Administrative Law Judge
Office of Administrative Hearings