BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

DOWNEY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025010785

# ORDER DETERMINING DUE PROCESS COMPLAINT SUFFICIENT

FEBRUARY 6, 2025

On January 23, 2025, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, called OAH, naming Downey Unified School District as respondent. On February 6, 2025, Downey 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.) 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 46540-46541, 46699.)

## DISCUSSION

Downey asserts that Student's complaint fails to "provide a specific, fact-based account" of how Downey's actions allegedly denied Student a FAPE. Downey's assertion is not persuasive and seeks to hold Student to a higher pleading standard than the law requires. Downey raised additional arguments that Student's complaint was insufficient. Each was independently considered and rejected.

The facts alleged in Student's complaint are sufficient. Student utilized OAH's due process complaint form in addition to an attachment which provided additional claims, facts, and proposed resolutions. In total, Student raises nine claims beginning with the 2023-2024 school year and continuing through the date of filing. For example, Student mentions claims related to the December 19, 2023, and January 16, 2024 IEP team meetings and resulting IEP documents. Student also challenges the validity of Student's father's consent to both the January 16, 2024, IEP and an assessment plan presented to Student's father at that meeting.

Student's attachment to the complaint raises six additional claims, presented in a bullet point list. Each of those claims are also sufficiently pled, challenging specific alleged defects in Student's special education program, or specific actions by Downey staff which Student alleges denied him a FAPE.

Student's complaint identifies the issues and adequate facts about the problem to permit Downey to respond and participate in a resolution session, mediation, and due process hearing. Additionally, Student's issues may be clarified at the prehearing conference. (*J.W. v. Fresno Unified Sch. Dist*. (9th Cir. 2010) 626 F.3d 431, 442-443, and *Ford v. Long Beach Unified Sch. Dist.* (9th Cir. 2002) 291 F.3d 1086, 1090.) As pled, Student's complaint is sufficient.

ORDER

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

IT IS SO ORDERED.

*Ashok Pathi*

Ashok Pathi

Administrative Law Judge

Office of Administrative Hearings