BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

POWAY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025020616

ORDER DETERMINING DUE PROCESS COMPLAINT SUFFICIENT

FEBRUARY 28, 2025

On February 18, 2025, Student filed a request for due process hearing, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Poway Unified School District. On February 27, 2025, Poway filed a notice of insufficiency of 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:

- 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,
- includes facts about the problem, and
- 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 Individuals with Disabilities Education Act 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 alleges, in her complaint, that in early February 2024, her then boyfriend sexually assaulted her and that he and his friends thereafter repeatedly bullied her. Student alleges she suffered emotional distress and missed a significant amount of school because of these events. Student alleges reporting the incidents to Poway, which she contends should have conducted initial assessments for special education eligibility.

As a result, Student alleges Poway denied her a free appropriate public education from February 2024 through the remainder of the 2024-2025 school year. She alleges she should have been found eligible for special education as a child with emotional disturbance. Student alleges Poway failed to develop an individualized education program offering a placement, services, goals, and accommodations to address her social and emotional needs, among other things.

The facts alleged in Student's complaint are sufficient. Student's complaint identifies the issues and adequate facts about the problem to permit Poway to respond and participate in a resolution session and mediation.

Therefore, Student's statement of Issue 1, sub-issues (a) through (e), is sufficient.

ORDER

1. Issue 1, sub-issues (a) through (e), of Student's complaint is sufficiently pled under section title 20 United States Code section 1415(b)(7)(A)(ii).
2. All dates previously scheduled in this matter are confirmed.

Cole Dalton

Cole Dalton

Administrative Law Judge

Office of Administrative Hearings