BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

CENTINELA VALLEY UNION HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2024010756

ORDER DETERMINING COMPLAINT INSUFFICIENT IN PART

FEBRUARY 28, 2024

On January 24, 2024, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Centinela Valley Union High School District, called Centinela Valley. On February 5, 2024, OAH determined that Student's complaint was insufficient in its entirety.

Student filed a first amended complaint on February 20, 2024. On February 27, 2024, Centinela Valley filed a notice of insufficiency as to Student's first amended 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 FIRST AMENDED COMPLAINT IS INSUFFICIENT

Student's first amended complaint alleges eight claims. Student states that all eight claims occurred during the 2021-2022, 2022-2023, and 2023-2024 school years. Student's complaint was filed on January 24, 2024. Therefore, issues occurring during the 2021-2022 school year, arising on or after January 24, 2022, are within the statutory period. However, if Student intended to raise claims beyond the statutory period, they are insufficiently pled as no facts regarding exceptions or tolling of the statute of limitations are set forth to give Centinela Valley the requisite notice. For this reason, if Student intended to raise claims beyond the statutory period, the issues are insufficiently pled.

As to the specific claims pled for each issue in Student's first amended complaint, some are insufficient, and some are sufficient. As to Student's Issues Two, Three, Four, Five, Six, and Seven, Student's complaint is sufficient. As to Student's Issues One and Eight, Student's complaint is insufficient as explained below.

With respect to Issue One, Student alleges that Centinela Valley failed to address Student's unique needs by developing appropriate goals and objectives during the 2021-2022, 2022-2023, and 2023-2024 school years. The issue statement is confusing because it states that Centinela Valley developed appropriate goals and objectives. So, it is unclear what violation Student is alleging. Student's Issue One is insufficient based on its internal inconsistency and, therefore, fails to provide the requisite notice to Centinela Valley to defend itself in this matter and enable it to participate in mediation and the due process hearing.

With respect to Issue Eight, Student alleges that Student is entitled to compensatory education because of the issues raised earlier in the complaint. However, the request for compensatory education is a proposed remedy and not an issue. Additionally, this request is partially duplicative of Student's compensatory education proposed remedy. Thus, it is unclear how a request for compensatory education is an issue in this matter. Student's issue eight is insufficiently pled because it fails to state a cause of action.

ORDER

1. Student's first amended complaint is insufficiently pled under section title 20 United States Code 1415(c)(2)(D) as to the statute of limitations claim.
2. Student's first amended complaint is insufficiently pled under section title 20 United States Code 1415(c)(2)(D) as to Student's Issues One and Eight.
3. Student's first amended complaint is sufficiently pled under title 20 U.S.C. section 1415(b)(7)(A)(ii) as to the Student's Issues Two, Three, Four, Five, Six and Seven.
4. Student will be permitted to file an amended complaint under title 20 United States Code section 1415(c)(2)(E)(i)(II).
5. The amended complaint must comply with the requirements of title 20 U.S.C. section 1415(b)(7)(A)(ii), and must be filed not later than 14 days from the date of this order.

6. If Student fails to file a timely amended complaint, the first amended complaint will go forward as to Student's Issues Two, Three, Four, Five, Six, and Seven, between the period of January 24, 2022, through January 24, 2024.

IT IS SO ORDERED.

Cynthia Fritz

Cynthia Fritz
Administrative Law Judge
Office of Administrative Hearings