BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

WALNUT CREEK SCHOOL DISTRICT.

OAH CASE NUMBER 2024030643

ORDER DETERMINING DUE PROCESS COMPLAINT SUFFICIENT

MAY 2, 2024

On March 19, 2024, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Walnut Creek School District. On April 2, 2024, Walnut Creek filed a notice of insufficiency. An administrative law judge determined the complaint was partially insufficient on April 3, 2024, and granted leave to amend the complaint under title 20 United States Code section 1415 (b)(7)(A)(ii). Student filed an amended complaint on April 18, 2024. On May 1, 2024, Walnut Creek filed a notice of insufficiency to Student's amended complaint. On May 2, 2024, Student filed an opposition to Walnut Creek's notice of insufficiency.

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.)

DISCUSSION

The facts alleged in Student's complaint are sufficient. Student's complaint identifies alleged problems relating to Student's receipt of a free appropriate public education, provided an extensive educational history of Student, and provided a proposed resolution sufficient to permit Walnut Creek to respond and participate in a resolution session and mediation.

Walnut Creek alleges Student raised issues outside the statute of limitations. A determination of sufficiency is not the proper mechanism to address Statute of Limitations questions. This order will make no finding to the statute of limitations question.

Walnut Creek further argues Student's complaint failed to provide facts that Walnut Creek failed to provide Student records upon request or facts related to six or seven years at issue. Students' complaint included 17 pages of Student's educational history and his struggles with the school district. Given the liberal pleading standards of the IDEA, Student's extensive factual recitation is sufficient to give Walnut Creek an awareness and understanding of the issues forming the basis of the complaint and allow them to prepare for resolution session and mediation.

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.

IT IS SO ORDERED.

Tiffany Gilmartin

Tiffany Gilmartin

Administrative Law Judge

Office of Administrative Hearings