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 2024030541

ORDER DETERMINING DUE PROCESS COMPLAINT INSUFFICIENT

MARCH 26, 2024

On March 15, 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 March 22, 2024, Centinela Valley 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)(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, *3; *Escambia County Board of Education v. Benton* (S.D. Ala. 2005) 406 F.Supp.2d 1248, 1259-1260; *Sammons v. Polk County School Board* (M.D.Fla., Oct. 28, 2005, 8:04CV2657T24EAJ) 2005 WL 2850076, *4; Cf. *M.S.-G v. Lenape Regional High School Dist. Board of Education* (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 Education of Children with Disabilities and Preschool Grants for Children with Disabilities* (Aug. 14, 2006) 71 Fed. Reg. 46,540-01, 46699.)

DISCUSSION

Student's complaint alleges five different claims. The first claim concerns Centinela Valley's failure to timely or appropriately assess Student in all areas of suspected disability. This claim in insufficiently pled. The complaint is vague and confusing. Although Student vaguely stated the nature of the problem, it does not include sufficient facts relating to the problem to understand the scope of Student's claim. (20 U.S.C. § 1415(b)(7)(A)(ii)(III).) It is unclear from the complaint which of the assessments Student is contending were inappropriate and why, and which assessments were untimely. The complaint also alleges that a transition assessment should have been initiated as of September 20, 2022. However, Student earlier alleges under the heading of "September 20, 2022, IEP" that a transition assessment had already been conducted. Student should clarify the claim being made.

The second claim concerns the failure by Centinela Valley to develop an appropriate program since the start of the 2022-2023 school year to meet Student's needs; however, other than the allegation that individual transition plan was inappropriate, Student fails to allege which part of the program Student contends was inappropriate, i.e., goals, services, or placement. The complaint fails to include facts to support the conclusory allegation that the program failed to meet Student's alleged needs in academics, social-emotional/mental health status, and behavior, and identify the defect in each IEP at issue. The claim is vague, and therefore, insufficient.

The third claim concerns Centinela Valley's failure to implement Student's IEP. This claim is also insufficient. Student fails to allege any facts to support this claim. Student has not identified which IEP was not implemented, the part of the IEP alleged not implemented, and the period at issue. Without this information, Centinela Valley is left to guess as to the scope of Student's claim. There are no less than five IEPs

identified earlier in the pleading. Further confusing the matter, Student identifies Bonita Unified School District as the responsible local educational agency regarding the September 21 and November 16, 2021, IEPs, but the complaint also inconsistently alleges that Centinela Valley was involved in those IEPs because Student defined the "District" as Centinela Valley on the first page of the pleading. The third claim is confusing and vague and therefore, insufficient.

The fourth claim alleges that Centinela Valley failed to include all necessary members at the September 23, 2023, IEP team meeting, but Student does not allege which required member(s) member was missing. The only fact alleged in the complaint is the IEP did not document who attended. The complaint should include facts relating to the problem such that Student's claim is clear. (20 U.S.C. § 1415(b)(7)(A)(ii)(III).) The fourth claim is vague, and therefore insufficient.

The fifth claim asserts that Centinela Valley denied Student a FAPE by failing to produce a complete copy of Student's records in a timely manner. This claim is insufficient because Student has failed to include facts relating to the problem. Specifically, Student failed to allege when Parent made a request for the records and as such, Student has not provided adequate facts about the problem as to the period at issue.

In summary, each of the claims alleged fail to provide Centinela Valley with the required facts relating to each of the problems. None of the issues are sufficiently pled to put Centinela Valley on notice as to the basis and/or scope of Student's claims.

A complaint is required to include proposed resolutions to the problem, to the extent known and available to the party at the time. (20 U.S.C. §1415(b)(7)(A)(ii)(IV).)

The proposed resolution stated in Student's complaint is not well-defined regarding item two but has met the statutorily required standard regarding proposed resolutions.

ORDER

1. Student's complaint is insufficiently pled under section title 20 United States Code 1415(c)(2)(D).
2. Student shall be permitted to file an amended complaint under title 20 United States Code section 1415(c)(2)(E)(i)(II).
3. The amended complaint shall comply with the requirements of title 20 United States Code section 1415(b)(7)(A)(ii) and shall be filed not later than 14 days from the date of this order.
4. If Student fails to file a timely amended complaint, the complaint will be dismissed.
5. All dates previously set in this matter are vacated.

IT IS SO ORDERED.

Laurie Gorsline

Laurie Gorsline
Administrative Law Judge
Office of Administrative Hearings