BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

CAMPBELL UNION HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2019100029

ORDER OF DETERMINATION OF SUFFICIENCY OF DUE PROCESS COMPLAINT

On October 1, 2019, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Campbell Union High School District. On October 15, 2019, Campbell Union filed a Notice of Insufficiency as to the complaint. Student filed an opposition on October 16, 2019.

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

Student's complaint consisted of two issues:

Issue one alleges Campbell denied Student a free appropriate public education, called a FAPE, from September 2017 to present because Campbell failed to

- identify and/or assess all of Student's areas of needs;
- write measurable goals that were reasonably calculated to provide educational benefit in all areas of need;
- offer or provide special education and related services in all areas of need based on appropriate goals that were reasonably calculated to provide educational benefit;
- to implement the IEP;
- give Parents accurate information regarding testing results and staffing issues so Parents could meaningfully participate in the IEP process;
- provide services or special education for the frequency and duration agreed to in the IEP;
- make a clear offer that the Parents could accept or reject thereby denying meaningful Parent participation as well as a denial of FAPE.

Issue two alleges Campbell denied Student a FAPE from March 2019 to present because Campbell failed to:

- hold and complete the IEP by the statutory deadline;
- have an IEP in place at the beginning of the school year;

- provide special education and related services with appropriate staffing that would enable the Student to receive educational benefit based upon his IEP and individual transition plan.

Campbell specifically challenges the sufficiency of Student's complaint on the grounds Student is over the age of majority and the due process complaint provided no evidence Parents held Student's educational rights.

A determination of sufficiency reviews the content of the allegations of the due process request to ensure the complaint provides the named party an awareness and understanding of the issues forming the basis of the complaint. Here, Student's due process request satisfies the liberal pleading standard to allow Campbell Union to participate in a resolution session, mediation, and prepare for mediation.

This order makes no determination whether Parents have standing to bring this complaint. Any challenge to Parent's standing should be addressed in a separate filing.

ORDER

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.

DATED: October 16, 2019

DocuSigned by:
Tiffany Gilmartin
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Tiffany Gilmartin
Administrative Law Judge
Office of Administrative Hearings