BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

SNOWLINE JOINT UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2020050739

ORDER OF DETERMINATION OF SUFFICIENCY OF DUE PROCESS COMPLAINT

JUNE 2, 2020

On May 26, 2020, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Snowline Joint Unified School District. On June 1, 2020, Snowline 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).

The complaint is deemed sufficient unless a party notifies OAH and the other party in writing within 15 days of receiving the complaint that the party believes the complaint has not met the notice requirements. (20 U.S.C. § 1415(c)(2)(C); Ed. Code, § 56502, subd. (d)(1).)

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 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.)

DISCUSSION

Snowline timely filed its Notice of Insufficiency within 15 days of receiving Student's complaint. Snowline argues that the complaint is insufficient as it fails to specify the timeframe at issue or specific deficiencies with any particular individualized education program or IEP and instead merely alleges that Student failed to make any progress.

Student's complaint indicates he is eligible for special education under the category of specific learning disability. He includes historical detail that he has struggled in all areas of education, particularly academics and mental health, and that he failed to make educational progress until placed at a nonpublic school for students with learning disabilities during the 2017-2018 school year, just prior to transferring to Snowline.

Student's complaint identifies one broad issue for hearing, namely, whether Snowline denied him a free appropriate public education or FAPE by failing to provide an appropriate placement and program that meets his unique needs related to academics. Student clearly specifies the time frame at issue begins with the 2018-2019 school year when he transferred into Snowline. Student identifies numerous IEP team meetings beginning with the August 15, 2018 meeting through and including the February 2020 IEP team meeting. It is clear from Student's complaint that he is alleging Snowline's offer of District programing, specifically special day classes, was not

appropriate to his educational needs nor comparable to his prior nonpublic school placement. Student highlights various deficiencies with Snowline's IEP's including a failure to identify his present levels of academic functioning and its offer of vague goals that did not address his academic needs, including reading decoding and fluency, written language, and spelling.

The facts alleged in Student's complaint are sufficient. Student's complaint identifies the issues and adequate facts about the problem to permit Snowline to respond, and prepare for and participate in a resolution session and due process hearing. Therefore, Student's complaint is sufficient.

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).) Student's proposed resolutions are placement at his prior nonpublic school, completion of the agreed-upon independent educational evaluation and educationally related mental health services evaluation, and compensatory education in the form of academic tutoring and mental health services. Student has met the statutorily required standard regarding proposed resolutions.

ORDER

1. The complaint is sufficient under title 20 United States Code section 1415(b)(7)(A)(ii).

2. All dates in this matter are confirmed.

IT IS SO ORDERED.



Theresa Ravandi

Administrative Law Judge

Office of Administrative Hearings