BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

POWAY UNIFIED SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2024050871

ORDER DETERMINING DUE PROCESS COMPLAINT PARTIALLY INSUFFICIENT

JUNE 3, 2024

On May 22, 2024, Poway Unified School District filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, called OAH, naming Student as respondent. On May 31, 2024, Student filed a Notice of Insufficiency as to the complaint.

APPLICABLE LAW

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, or 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.] 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 46541, 46699.)

COMPLAINT SUFFICIENCY DETERMINATION

Poway's complaint alleges four claims, three of which are sufficient and one of which is insufficient. Issues number two, three and four are sufficiently pled to put Student on notice as to the basis of Poway's claims. Student asserts, without authority, that issues two, three and four are required to allege all of the facts underlying the claims. Minimal pleading standards apply to requests for due process pursuant to the Individuals with Disabilities Education Act. (*Schaffer ex rel. Schaffer v. Weast*, (2005) 546 U.S. 49, 54 [126 S.Ct. 528, 163 L.Ed.2d 387].) These issues allege adequate facts to allow

Student to understand the issues being asserted. Student has enough information based on the allegation to prepare for resolution session, mediation, or hearing.

Issue two, however, fails to identify the request for educational records at issue. Issue two asserts a question of whether Poway failed to provide educational records "within 5 days of the parents' request." It provides no date or other information specifying the request at issue. This issue is not sufficient to allow Parents to prepare for resolution session, mediation, or hearing.

It is unclear that OAH has jurisdiction over all of these claims. However, as this is not a motion to dismiss, whether the issues are properly before OAH will not be addressed in this order.

ORDER

1. Issues two, three and four of the complaint are sufficient under title 20 U.S.C. section 1415(b)(7)(A)(ii).
2. Issue one of the complaint is insufficiently pled under title 20 United States Code section 1415(c)(2)(D).
3. Poway shall be permitted to file an amended complaint under title 20 United States Code section 1415(c)(2)(E)(i)(II).
4. The amended complaint shall comply with the requirements of title 20 U.S.C. section 1415(b)(7)(A)(ii), and shall be filed not later than 14 days from the date of this order. The filing of an amended complaint will restart the applicable

timelines for a due process hearing.

5. If Poway fails to file a timely amended complaint, the hearing shall proceed as currently scheduled only on Issues two, three, and four in Poway's complaint.

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl

Administrative Law Judge

Office of Administrative Hearings