BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

YUBA CITY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024070972

ORDER DETERMINING DUE PROCESS COMPLAINT SUFFICIENT

AUGUST 12, 2024

On July 26, 2024, Parent, on behalf of Student, filed a Due Process Hearing Request, also called a complaint, with the Office of Administrative Hearings, called OAH, naming Yuba City Unified School District as respondent. On August 9, 2024, Yuba City filed a Notice of Insufficiency as to the complaint.

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 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.)

Yuba City asserts that Student's claim is insufficient because the allegations fail to identify dates they occurred and fail to exclude dates Student attended the California Virtual Academy, a charter school not affiliated with Yuba City. Yuba City argues that, without this information, its ability to adequately response to the complaint, prepare for and participation in a due process hearing is "restricted."

In its notice of insufficiency, Yuba City acknowledges allegations in Student's complaint stating Student left the district on December 16, 2022, during the 2022-2023 school year and enrolled in the California Virtual Academy. As Yuba City notes in its notice of insufficiency, Student alleges she re-enrolled in the Yuba City district at the beginning of the 2023-2024 school year. Yuba City also acknowledges allegations in Student's complaint that Student disenrolled from Yuba City on March 1, 2024, during the 2023-2024 school year, and subsequently re-enrolled in the California Virtual Academy. Yuba City also complains that Student's Issue 7, alleging bullying, contains no information as to when the bullying occurred.

Student's complaint, at page 2, specifically states that Student is making claims only between the dates of "August 2022 through the remainder of the 2022-2023 school year and the 2023-2024 school year. " Student also alleges she is not making claims outside the statute of limitations period. In so stating, Student has clearly limited the claims of the complaint to only those falling within the dates stated. This sufficiently limits the claims alleged. Claims end on the date of filing of a complaint, as Student cannot give notice of something that had not occurred when the complaint was filed.

The complaint states the information necessary for Yuba City to understand the time frames applicable to the claims of the complaint. The concerns Yuba City raises in its notice of insufficiency appear to form the bases of potential defenses to the alleged claims, as opposed to grounds to determine the complaint is insufficient. Should additional clarification of any claim be necessary, it can be discussed at the prehearing conference. However, as Student's complaint is pled, Yuba City has adequate information to prepare for resolution session, mediation or hearing.

ORDER

1. The complaint is sufficient under title 20 United States Code section 1415(b)(7)(A)(ii).
2. All prehearing conference, and hearing dates in this matter are confirmed.
3. Nothing in this order precludes the Administrative Law Judge presiding over the prehearing conference or hearing from further clarifying the issues pled.

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl

Administrative Law Judge

Office of Administrative Hearings