BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

SAN DIEGUITO UNION HIGH SCHOOL DISTRICT

OAH CASE NUMBER 2022060263

ORDER OF DETERMINATION OF SUFFICIENCY OF DUE PROCESS COMPLAINT

JUNE 22, 2022

On June 6, 2022, Parents on behalf of Student filed a due process hearing request, called a complaint, with the Office of Administrative Hearings, called OAH, naming San Dieguito Union High School District as respondent. On June 20, 2022, San Dieguito Union High School District, called San Dieguito, filed a notice of insufficiency. On June 21, 2022, Student filed opposition to San Dieguito's notice of insufficiency.

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 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

San Dieguito filed its notice of insufficiency on June 20, 2022. Thus, San Dieguito timely filed its notice of insufficiency.

Student's complaint alleges one issue which states " San Dieguito has refused to provide [Student's] educational records except with severe and unlawful redactions. The District may argue that it owes no records because [Student] has no IEP, but those not yet having an IEP indeed have a variety of rights." Student further asserts: "By denying me my child's complete educational records, San Dieguito has infringed on my participation in the IEP formulation process, and to participate more generally."

San Dieguito maintains that Student's complaint is insufficiently pled, fails to provide any facts including when the request was made, what records were requested, and how that impeded Parent's participation in the IEP process or resulting in a FAPE denial, as Parent concedes in the complaint that Student has no individualized education program and does not allege that Student should be eligible for special education. Thus, San Dieguito argues OAH lacks jurisdiction to hear this matter and requests dismissal of this matter in its entirety.

Here, the facts alleged in Student's complaint are sufficient. Student's complaint alleges that San Dieguito failed to provide Parent educational records in 2022 and this impeded Parent's participation in the individualized education program decision-making process. Student's complaint identifies the issue and includes adequate facts about the

problem to permit San Dieguito to participate in the resolution session, mediation, and due process hearing. Accordingly, Student's complaint is sufficiently pled.

San Dieguito's argument that OAH lacks jurisdiction is outside of the notice of insufficiency determination. Thus, no determination is made as to OAH's jurisdiction in this matter.

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.

Cynthia Fritz

Cynthia Fritz
Administrative Law Judge
Office of Administrative Hearings