BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

NORTHERN HUMBOLDT UNION HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2024120040

ORDER DETERMINING DUE PROCESS COMPLAINT SUFFICIENT

DECEMBER 9, 2024

On November 26, 2024, Parent on behalf of Student filed a due process hearing request with the Office of Administrative Hearings naming Northern Humboldt Union High School District. A due process hearing request is called a complaint. The Office of Administrative Hearings is called OAH.

On December 5, 2024, Northern Humboldt Union filed a timely Notice of Insufficiency as to the complaint. Northern Humboldt Union contends the complaint fails to describe sufficient facts and dates, and does not identify specific individualized education program, called IEP, provisions to support his claims.

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, 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.)

Student raises 11 issues, listed from A through K, all of which are sufficiently plead. The complaint identifies the 2024-2025 school year as the period for each of Student's issues.

The complaint sufficiently describes facts to support his claims in Issue A that Northern Humboldt failed to implement his IEP, such as behavior, mental health, social support, reading intervention services, and accommodations to support his sensitivity to multiple chemicals. The complaint also sufficiently describes facts to support Student's claims in Issue B that Northern Humboldt Union failed offer appropriate IEP goals to support his academic needs.

Issues C, D, E and F are also sufficiently plead. The complaint describes sufficient facts about Northern Humboldt Union's alleged failure to consider Parent's requests for assessments, supports, and services to address Student's maladaptive behaviors and sensitivity to chemicals. The complaint also provides a sufficient description of Northern Humboldt Union's alleged failure to allow Parent to meaningfully participate in Student's IEP process by failing to timely provide Parent with information to make an informed decision about Student's education, and to include a behaviorist at the IEP team meeting held within the first 30 days of the 2024-2025 school year.

Further, Issues G, H, I, J, and K are all sufficiently plead. Student's claims regarding Northern Humboldt Union's alleged predetermination of his IEP, failure to address his social emotional, academic, and safety needs, and unilateral change of services and accommodations are sufficiently supported by facts described in the complaint. The complaint also provides a sufficient description of Student's claim that Northern Humboldt Union failed to follow Student's behavior intervention plan because Northern Humbold Union did not have a behaviorist to explain the plan to Student's teachers, and as a result the teachers did not follow the plan as intended.

A liberal reading of Student's complaint established that the complaint provides enough information to provide Northern Humboldt Union with an awareness and understanding of the issues forming the basis of the complaint, and to enable Northern Humboldt Union to prepare for the hearing and participate in a resolution session. Accordingly, Student's compliant is sufficient.

ORDER

1. The complaint is sufficient under title 20 United States Code section 1415(b)(7)(A)(ii).
2. The prehearing conference and hearing dates in this matter are confirmed.

Rommel P. Cruz

Rommel P. Cruz
Administrative Law Judge
Office of Administrative Hearings