BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

OAKDALE JOINT UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024060196

ORDER DISMISSING MAGNOLIA ELEMENTARY SCHOOL AS A PARTY, DETERMINING DUE PROCESS COMPLAINT INSUFFICIENT, AND DENYING REQUEST FOR MEDIATION WITHOUT PREJUDICE

JULY 19, 2024

On June 4, 2024, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Oakdale Joint Unified School District and Magnolia Elementary School as respondent. On June 18, 2024, OAH found Student's complaint to be partially insufficient pursuant to Oakdale's filed a Notice of Insufficiency. Student filed an amended complaint on July 3, 2024. On July 9, 2024, Oakdale filed a combination response to the Amended

complaint, Notice of Insufficiency and included a motion to dismiss Magnolia Elementary School in the document that was not identified in the title.

MULTIPLE MOTIONS SHALL NOT BE COMBINED

Oakdale filed a single document that included a combination of

- A response to Student's complaint;
- Notice of Insufficiency; and
- Motion to Dismiss Magnolia Elementary school.

The motion to dismiss Magnolia Elementary School was not identified in the caption. Although the introductory paragraph of the combined document on page one notes Oakdale "reserves all rights to file a Motion to Dismiss with respect to the First Amended Complaint," on pages 5 and 6, the document proceeds to declare its opposition to the inclusion of Magnolia as a party, after citation of law. That can only be interpreted as a motion to dismiss.

OAH does not permit the filing of combined motions for a variety of reasons. Of particular importance is that rulings on motions are required according to different timelines depending on the motion filed. Combined motions can result in an opposing party not being given notice that a motion requiring a response has been filed. Additionally, when motions are not identified in the caption, they can get overlooked when administering the case. In this instance, an exception will be made, and Oakdale's motions will be considered. Going forward, Oakdale is directed to refrain from filing combined motions or documents. In future, failure to file documents individually will result in a Notice of No Action and the need to refile.

MAGNOLIA ELEMENTARY SCHOOL IS NOT A PROPER PARTY

Parent's First Amended Complaint names Magnolia Elementary School as a separate respondent. In its combined response to Student's amended complaint and Notice of Insufficiency, Oakdale also opposed inclusion of Magnolia Elementary School as a party to this action.

Although OAH does not have a summary judgment procedure, it will dismiss allegations that are facially outside of OAH jurisdiction. An Administrative Law Judge may raise the issue of jurisdiction at any time during the course of special education proceedings. OAH's Special Education Division has jurisdiction over only claims that allege violations of the Individuals with Disabilities in Education Act or related California special education laws. (*Wyner v. Manhattan Beach Unified Sch. Dist.* (9th Cir. 2000) 223 F.3d 1026, 1028-1029.)

Special education due process hearing procedures include the parent or guardian, the student, and "the public agency involved in any decisions regarding a pupil." (Ed. Code, § 56501, subd. (a).) A "public agency" is defined as "a school district, county office of education, special education local plan area, . . . or any other public agency . . . providing special education or related services to individuals with exceptional needs." (Ed. Code, §§ 56500 and 56028.5.) Generally, school districts are responsible for providing special education and related services to students at the various school sites in their district. (Ed. Code §§ 56195.1, 56195.3 56195.7.) No legal authority or facts have been stated in Student's complaint establishing that Magnolia Elementary School meets the definition of a public agency responsible for providing special education or related services to individuals with exceptional needs. Magnolia Elementary School will be dismissed as a respondent in this action.

COMPLAINT INSUFFICIENT

Oakdale asserts that Student's First Amended Complaint is partially insufficient. A review of Student's amended complaint results in a determination that the complaint is entirely insufficient.

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.)

Self-represented Parent's conclusions to the preamble to the amended complaint notes that Student, "eliminated many of the original complaint issues and resolutions and have narrowed them down" as noted in the amendment. Of the eight numbered issues in Student's complaint Oakdale has asserted that, Issues 2, 3, 7, and 8 are insufficient. The Administrative Law Judge determines whether the due process complaint, on its face, meets the requirements of the IDEA (20 U.S.C. 1415(c)(2)(D; 34 C.F.R 300.508 (d)(2); Ed. Code. § 56502, subd. (d)(1).) The Administrative Law Judge's determination of the complaint's sufficiency is not limited by the interpretations of the party submitting a notice of insufficiency.

Student complaint alleges eight numbered claims that include many undesignated sub-issues. Student's complaint uses inconsistent bold and underlined text, and inconsistent paragraphing when discussing sub-issues, making differentiating between sub-issues and explanations of assertions difficult. Some issues appear to be duplicative and referenced dates are either incomplete, or do not make sense in the context of the claims being made. Questions about applicable dates are particularly confusing in relation to Student's claims regarding goals. Student includes discussion of evidence in an attempt to support her claims, which is unnecessary at the complaint stage and causes confusion regarding the allegations being asserted. Student will have the opportunity to present supporting evidence if the case goes to hearing. In several instances, it is unclear whether comments included in paragraphs following sub-issues

stated are intended as additional unrelated claims, or as additional background information regarding the sub-issue being discussed.

The complaint is unintelligible on its face. As a result, the complaint fails to provide Oakdale with the required problem description and the facts relating to the problem to allow it to prepare for resolution session, mediation or hearing.

MEDIATOR ASSISTANCE TO DEVELOP COMPLAINT ENCOURAGED

Parent has now had two complaints deemed insufficient. Parent is encouraged to contact OAH for assistance if they intend to amend their due process hearing request. If requested, OAH will provide a mediator at no cost to assist the parent in identifying the issues and proposed resolutions that must be included in a complaint. (Ed. Code, § 56505.)

JOINT REQUEST FOR MEDIATION OF THE CASE DENIED WITHOUT PREJUDICE

On July 9, 2024, the parties jointly requested mediation in this case. Mediation is favored in special education cases. (20 U.S.C. § 1415(e); 34 C.F.R. 300.506.) However, in this case, Student's amended complaint has been deemed insufficient. Without a complaint that is adequately clear to allow Oakdale to prepare for the mediation process, mediation cannot be scheduled. A "denial without prejudice" allows the parties to refile the request when circumstances in the case allow.

ORDER

1. Magnolia Elementary School is dismissed as a respondent in this action.

2. Student's complaint is insufficiently pled under section title 20 United States Code 1415(c)(2)(D).
3. Student shall be permitted to file an amended complaint under section 1415(c)(2)(E)(i)(II), of title 20 of the United States Code.
4. The amended complaint shall comply with the requirements of section 1415(b)(7)(A)(ii), of title 20 of the United States Code, and shall be filed not later than 14 days from the date of this order.
5. If Student fails to file an amended complaint within fourteen days of the date of this order, the complaint will be dismissed.
6. All dates previously set in this matter are vacated.
7. The parties' joint request for mediation is denied. Nothing in this order prohibits the parties from requesting mediation in the future if Student decides to file an amended complaint pursuant to this order.

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl

Administrative Law Judge

Office of Administrative Hearings