BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

WOODLAND JOINT UNIFIED SCHOOL DISTRICT AND YOLO COUNTY SELPA.

OAH CASE NUMBER 2020060159

ORDER DENYING NOTICE OF INSUFFICIENCY OF DUE PROCESS COMPLAINT

JUNE 12, 2020

On June 3, 2020, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Woodland Joint Unified School District. On June 5, 2020, OAH determined that the complaint stated claims requiring an expedited and non-expedited hearing and issued a dual scheduling order setting expedited and non-expedited hearings. On June 12, 2020, Woodland timely filed a Notice of Insufficiency as to the complaint. This Order only addresses the sufficiency of the non-expedited claims.

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).

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

Student's 24-page complaint sufficiently identifies Student. The complaint alleges Woodland denied Student a free appropriate public education, referred to as FAPE, during the 2018-2019 and 2019-2020 school years. The non-expedited issues include claims relating to failure to assess, failure to assess Student and provide appropriate services and support in the area of behavior, failure to provide appropriate placement, goals, and services, denial of meaningful parental participation, and procedural violations.

Student's complaint also alleges Woodland denied Student a FAPE during the 2015-2017 school years by failing to assess Student in the areas of behavior, reading, writing, speaking and thinking, and by not including annual goals addressing Student's behavior in Student's IEP's.

Student's complaint adequately identifies the issues and facts about the problems alleged to permit Woodland to respond and participate in a resolution session and mediation on the non-expedited issues. Therefore, Student's statement of the claims is sufficient. Student's complaint includes several proposed resolutions that are also sufficiently pleaded. (20 U.S.C. §1415(b)(7)(A)(ii)(IV).)

ORDER

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

IT IS SO ORDERED.

DocuSigned by:
Adrienne L. Krikorian
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Adrienne L. Krikorian

Administrative Law Judge

Office of Administrative Hearings