BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL DISTRICT AND ALLIANCE VIRGIL ROBERTS LEADERSHIP ACADEMY AND TEACH ACADEMY OF TECHNOLOGY.

OAH CASE NUMBER 2025040962

ORDER DETERMINING DUE PROCESS COMPLAINT SUFFICIENT

MAY 6, 2025

On April 21, 2025, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Alliance Virgil Roberts Leadership Academy, Los Angeles Unified School District, and Teach Academy of Technology. On May 2, 2025, Alliance filed a Notice of Insufficiency as to the complaint.

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

Alliance asserts Student's complaint is insufficient as it names three local educational agencies and states issues generally as to each without specificity to allow Alliance to understand how Student's issues and resolutions apply to Alliance specifically. Additionally, Alliance asserts Student's complaint states issues beyond the two-year statute of limitations without a specific legal basis. Lastly, Alliance contends Student's complaint is insufficient as it was not served on Student and OAH simultaneously. Alliance's argument regarding Student's timing of the service of Student's complaint as well as the appropriate statute of limitations are not addressed in this order as a Notice of insufficiency is not the appropriate pleading to address such contentions. Nothing in this order precludes Alliance from filing a Motion to Dismiss.

The facts alleged in Student's complaint are sufficient. Student's complaint identifies the issues and adequate facts, specific to Alliance, about the problem to permit Alliance to respond and participate in a resolution session and mediation. Student's requested resolutions are directly related to issues raised in Student's complaint.

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.

Rita Defilippis

Rita Defilippis

Administrative Law Judge

Office of Administrative Hearings