BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. RIVER SPRINGS CHARTER SCHOOL .	OAH Case No. 2019060499 ORDER DETERMINING COMPLAINT INSUFFICIENT

On June 12, 2019 Student filed a Due Process Hearing Request[1] with the Office of Administrative Hearings naming River Springs Charter School. On June 24, 2019, River Springs Charter School filed a Notice of Insufficiency as to Student's complaint.

APPLICABLE LAW

The named parties to a due process hearing request have the right to challenge the sufficiency of the complaint. (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 contains: (1) a description of the nature of the problem of the child relating to the proposed initiation or change concerning the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to the child; (2) facts relating to the problem; and (3) a proposed resolution of the problem 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

[1] A request for a due process hearing under Education Code section 56502 is the due process complaint notice required under title 20 U.S.C. section 1415(b)(7)(A).

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

River Springs Charter Schools contends Student's complaint fails to make clear what issues and proposed resolutions to them. For this reason, the complaint is insufficient.

In Student's complaint, it alleges six separate "Issues presented" against "District" and proposes an order that "District" provide compensatory education, independent educational evaluation, reimbursement, training for District staff, and any other remedies deemed appropriate.

In Student's "Parties" section it alleges Student resides within the jurisdictional boundaries of the Temecula Valley Unified School District. Student's complaint defines the "District" as Temecula Valley Unified School District. Student's complaint states Student is enrolled at the San Diego Center for Children. Student's complaint then names River Springs Charter School as the respondent at all times.

Three distinct entities are named in this complaint. However, Student's complaint is unclear which specific acts or failures it attributes to River Springs Charter School. First, Student's "Issue presented" unambiguously defined "District" as Temecula Valley. Beyond stating Student enrolled at River Springs for the 2017-2018 school year, Student does not specify any allegations of fact or failures are attributable to River Springs.

No causes of action or factual allegations mention or discuss River Springs. Due to Student identifying three entities in this matter and never clearly establishing which entity is responsible for Student during a particular time period, instead relying on an undefined "District" in both his issues presented and proposed resolutions, the complaint fails to provide River Springs "an awareness and understanding of the issues forming the basis of the complaint." Thus, the complaint it insufficiently pled as to River Springs Charter School.

ORDER

1. Student's complaint is insufficiently pled under section title 20 United States Code 1415(c)(2)(D).

2. Student shall be permitted to file an amended complaint under title 20 United States Code section 1415(c)(2)(E)(i)(II).[2]

3. The amended complaint shall comply with the requirements of title 20 U.S.C. section 1415(b)(7)(A)(ii), and shall be filed not later than 14 days from the date of this order.

4. If Student fails to file a timely amended complaint, the complaint will be dismissed.

5. All dates previously set in this matter are vacated.

DATE: June 26, 2019

DocuSigned by:
Tiffany Gilmartin
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TIFFANY GILMARTIN
Administrative Law Judge
Office of Administrative Hearings

[2] The filing of an amended complaint will restart the applicable timelines for a due process hearing.