BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. COMMUNITY COLLABORATIVE CHARTER SCHOOL, ACTON-AGUA DULCE UNIFIED SCHOOL DISTRICT, AND YUCAIPA-CALIMESA JOINT UNIFIED SCHOOL DISTRICT.	OAH Case No. 2018030844 ORDER OF DETERMINATION OF SUFFICIENCY OF DUE PROCESS COMPLAINT AS TO YUCAIPA-CALIMESA JOINT UNIFIED SCHOOL DISTRICT

On March 20, 2018, Student filed a Due Process Hearing Request[1] (complaint) with the Office of Administrative Hearings naming Community Collaborative Charter School, Acton-Agua Dulce Unified School District, and Yucaipa-Calimesa Joint Unified School District. On April 4, 2018, Yucaipa-Calimesa filed a Notice of Insufficiency as to Student's complaint.[2]

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.

[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).

[2] Community Collaborative Charter School also filed a Notice of Insufficiency on the same date, and such NOI is addressed in a separate Order.

§ 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 complaint alleges one claim against Yucaipa-Calimesa, which is sufficiently pled as discussed below.

Student alleges that he lives within the boundaries of Yucaipa-Calimesa; that Student was receiving special education and related services from another school district, Acton-Agua Dulce; that Acton-Agua Dulce disenrolled Student for non-attendance and sent a letter notifying Yucaipa-Calimesa of their action; and that Yucaipa-Calimesa failed to make an offer of placement and services to Student.

With respect to Issue Three as to Yucaipa-Calimesa, Student's complaint is sufficiently pled in that it provides Yucaipa-Calimesa with the required notice of a description of the problem and the facts relating to the problem in that Yucaipa-Calimesa had an obligation to make Student an offer of a free and appropriate public education that it failed to do.

Student's proposed resolutions request relief in the form of another home program, independent assessments, and compensatory education as to all three Respondents. A complaint is required to include proposed resolutions to the problem, to the extent known and available to the party at the time. (20 U.S.C. §1415(b)(7)(A)(ii)(IV).) Student has met the statutorily required standard of stating a resolution to the extent known and available to him at the time.

ORDER

1. The complaint is sufficient under title 20 United States Code section 1415(b)(7)(A)(ii) as to Yucaipa-Calimesa.

2. All mediation, prehearing conference, and hearing dates in this matter are confirmed.

DATE: April 10, 2018

DocuSigned by:
Deborah Myers-Cregar
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DEBORAH MYERS-CREGAR
Administrative Law Judge
Office of Administrative Hearings