BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2022060360

ORDER DETERMINING DUE PROCESS COMPLAINT INSUFFICIENT

JUNE 20, 2022

On June 9, 2022, Parents on behalf of Student filed a due process hearing request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Los Angeles Unified School District as respondent. On June 16, 2022, Los Angeles Unified School District, called Los Angeles, filed a notice of insufficiency as to the complaint.

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).

The complaint is deemed sufficient unless a party notifies OAH and the other party in writing within 15 days of receiving the complaint that the party believes the complaint has not met the notice requirements. (20 U.S.C. § 1415(c)(2)(C); Ed. Code, § 56502, subd. (d)(1).) Los Angeles filed its notice of insufficiency on June 16, 2020. Thus, Los Angles timely filed its notice of insufficiency.

Student's complaint alleges two issues. Los Angeles asserts a portion of issue one relating to the pandemic-related school closures is insufficient because it fails to allege any facts, including facts related to the statute of limitations. Thus, Los Angeles maintains the complaint should be dismissed.

Student's issue one states, "At all times since June 1, 2020, [Student] has been denied and [sic] appropriate educational program due first to the pandemic-related school closures and, during the 2021-2022 school year, as a result of the abusive, racist, and discriminatory behavior of a classroom aide who denied him a safe place within which to learn."

Here, Student's complaint, issue one, is partially insufficient. A review of Student's complaint reveals that no facts are pled related to pandemic related school closures, and for the time period of June 1, 2020, through the 2020-2021 school year. Without any facts, it is unclear what specific acts or failures are attributable to Los Angeles for this time period and regarding pandemic related school closures.

For these reasons, portions of Student's complaint, issue one, fail to state sufficient facts that give Los Angeles an awareness and understanding of the issue such that it can be used to prepare for a resolution session, mediation, and due process hearing. Accordingly, portions of Student's complaint, issue one, as it relates to the time

period of June 1, 2020, through the 2020-2021 school year, and as to pandemic related school closures is insufficiently pled.

ORDER

1. Student's issue number one as it relates to the time period of June 1, 2020, through the 2020-2021 school year is insufficiently pled under title 20 United States Code section 1415(c)(2)(D).
2. Student's issue number one as it relates to "pandemic related school closures" is insufficiently pled under title 20 United States Code section 1415(c)(2)(D).
3. Student is permitted to file an amended complaint under title 20 United States Code section 1415(c)(2)(E)(i)(II).
4. The amended complaint shall comply with the requirements of title 20 U.S.C. section 1415(b)(7)(A)(ii) and must be filed not later than 14 days from the date of this order. The filing of an amended complaint will restart the applicable timelines for a due process hearing.

5. If Student fails to file a timely amended complaint, the hearing will proceed only as to the portion of Student's complaint, issue number one, that states " during the 2021-2022 school year, as a result of the abusive, racist, and discriminatory behavior of a classroom aide who denied him a safe place within which to learn" and as to issue number two.

IT IS SO ORDERED.

Cynthia Fritz

Cynthia Fritz

Administrative Law Judge

Office of Administrative Hearings