BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

SAN DIEGO UNIFIED SCHOOL DISTRICT, AND SAN DIEGO COUNTY OFFICE OF EDUCATION

OAH CASE NUMBER 2022090308

OAH CASE NUMBER 2022060736

ORDER DETERMINING SECOND AMENDED COMPLAINT SUFFICIENT

MARCH 15, 2023

On June 24, 2022, San Diego County Office of Education filed a request for due process hearing, often referred to as a complaint, with the Office of Administrative Hearings, called OAH, naming Student as respondent. On September 6, 2022, Student filed a Due Process Hearing Request, with OAH, naming San Diego County Office of Education as respondent. These cases were consolidated on October 24, 2022 with Student's case named as primary.

On January 13, 2023, Student's request to file an amended complaint to assert claims against San Diego Unified School District was granted. On February 2, 2023, San Diego Unified filed a Notice of Insufficiency. Student's 1st amended complaint was

determined to be insufficient on February 7, 2023 and Student was given the opportunity to amend the complaint. On February 21, 2023, Student filed his second amended complaint. On March 8, 2023, San Diego Unified filed a second Notice of Insufficiency stating Student's second amended complaint failed to state adequate facts to support its contentions against San Diego Unified.

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.] 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 46541, 46699.)

DISCUSSION

The facts alleged in Student's second amended complaint are sufficient. Student's complaint identifies the issues and adequate facts about the problem to permit San Diego Unified School District to respond and participate in a resolution session, mediation and hearing. The facts as stated are sufficiently clear, given the minimal pleading standard applicable to special education complaints, for San Diego Unified School District to be on notice of the claims being asserted against it in this case.

ORDER

1. Student's second amended 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.

Penelope S. Pahl

Penelope S. Pahl
Administrative Law Judge
Office of Administrative Hearings