BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. RIVER SPRINGS CHARTER ACADEMY AND RIVERSIDE COUNTY OFFICE OF EDUCATION.	OAH Case No. 2018030675 ORDER OF DETERMINATION OF SUFFICIENCY OF DUE PROCESS COMPLAINT

On March 14, 2018, Student filed a Due Process Hearing Request[1] (complaint) with the Office of Administrative Hearings naming River Springs Charter Academy and Riverside County Office of Education. On March 29, 2018, River Springs Charter School filed a Notice of Insufficiency as to Student's complaint. The same day, Riverside County Office of Education joined the Notice of Insufficiency. Student opposed the Notice of Insufficiency.

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.)

[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).

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

Riverside Springs Charter School's notice of insufficiency claims that Student's complaint does not identify the factual allegations and claims as to each of the named responding parties, and fails to provide clear issue statements.

Student's complaint asserts that River Springs Charter School and Riverside County Office of Education are the local educational agencies that are jointly and severally liable for each and every denial of FAPE alleged in the complaint and are collectively referred to as "District". Student refers to both entities as District throughout the complaint. Student does not specify any allegations of fact as to what specific acts or failures to act are attributable to River Springs Charter School as opposed to Riverside County Office of Education. The proposed resolutions seek independent education evaluations, compensatory education, appropriate placement, out-of-pocket expenses and attorney's fees by District without any specificity as to which entity will fulfill the proposed resolutions.

The complaint fails to state sufficient facts that give either responding party an awareness and understanding of the issues and proposed resolutions as they pertain to each party such that River Springs Charter School and Riverside County Office of Education can prepare for a resolution session, mediation and hearing. Thus, the complaint is insufficiently pled.

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. The amended complaint shall specify the issues and proposed resolutions as they pertain to each responding party.

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

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

DATE: April 3, 2018

DocuSigned by:
Cynthia Fritz
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CYNTHIA FRITZ
Administrative Law Judge
Office of Administrative Hearings

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