BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. ACTON-AGUA DULCE UNIFIED SCHOOL DISTRICT, SAUGUS UNION SCHOOL DISTRICT AND ALBERT EINSTEIN ACADEMY OF LETTERS, ARTS AND SCIENCES.	OAH Case No. 2016100955 ORDER DENYING SAUGUS UNION'S MOTION TO DISMISS AND FINDING STUDENT'S COMPLAINT SUFFICIENT AS TO SAUGUS UNION

On October 20, 2016, Saugus Union School District (Saugus Union) filed a motion to dismiss Student's due process hearing request (complaint) against it, or in the alternative, a notice of insufficiency. On October 25, 2016, Student filed an opposition, contending that Saugus had obligations to Student as a resident, and failed to serve her pursuant to the IDEA.

Motion to Dismiss

Although OAH will grant motions to dismiss allegations that are facially outside of OAH jurisdiction (for example, civil rights claims or discrimination claims), special education law does not provide for a summary judgment procedure.

Here, Saugus Union's motion is not limited to matters that are facially outside of OAH jurisdiction, but instead seeks a ruling on the merits. Saugus Union relies on the declaration of its Director of Student Support Services to establish that the respondent school in which Student is enrolled (Albert Einstein Academy) is a charter school outside Saugus Union boundaries, and solely responsible for providing its students with special education services, although Student is a resident of Saugus Union. Accordingly, Saugus Union's motion to dismiss is denied.

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.)

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

The facts alleged in Student's complaint are sufficient to put Saugus Union on notice of the issues forming the basis of the complaint. The complaint alleges that Student required special education and related services specified in the complaint that were not offered to Student in her individualized education programs for the 2014-2015, 20115-2016 or 2016-2017 school years, from either Saugus Union, her school district of residence, Albert Einstein Academy, her school of enrollment, or Acton-Aqua Dulce Unified School District, alleged to be Student's local educational agency. Although more specificity about when Student attended each of the respondents' schools would add clarifying detail, the complaint identifies the issues and adequate related facts about the problem to permit Saugus Union to respond to the complaint and participate in a resolution session and mediation. Accordingly, Student's statement of claims and proposed resolutions is sufficient as to Saugus Union.

ORDER

1. Saugus' motion to dismiss is denied.

2. The complaint is sufficient as to Saugus under title 20 United States Code section 1415(b)(7)(A)(ii).

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

IT IS SO ORDERED.

DATE: October 28, 2016

DocuSigned by:
Alexa Hohensee
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ALEXA J. HOHENSEE
Administrative Law Judge
Office of Administrative Hearings