BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

RANCHO SANTA FE UNIFIED SCHOOL DISTRICT AND NORTH COASTAL CONSORTIUM FOR SPECIAL EDUCATION.

OAH CASE NUMBER 2020090720

ORDER OF DETERMINATION OF SUFFICIENCY OF DUE PROCESS COMPLAINT

OCTOBER 14, 2020

On September 23, 2020, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming North Coastal Consortium for Special Education. On October 9, 2020, Student filed with OAH a proof of service indicating that Student served a copy of the complaint on North Coastal on October 8, 2020. On October 13, 2020, North Coastal filed a Notice of Insufficiency as to the complaint.

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; *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

North Coastal timely filed its notice of insufficiency and challenged Student's complaint on the grounds that the allegations did not indicate how North Coastal denied Student a free appropriate public education, called FAPE. North Coastal argued that all allegations are directed at respondent Rancho Santa Fe School District because the allegations do not refer to "respondents" instead they refer to "district". North Coastal contended the issues are insufficiently pled because the facts show the district was the sole LEA charged with providing Student a FAPE during the statutory period. The facts alleged in Student's complaint are sufficient to put North Coastal on notice of the issues forming the basis of the complaint.

Student's complaint sets forth adequate facts related to their FAPE allegations to permit North Coastal to respond and participate in a resolution session and mediation. North Coastal challenged the sufficiency of the complaint, essentially asking for greater factual support for the claims. Such support is not required for a complaint to be deemed sufficiently pled. The complaint identifies issues related to denial of Student's right to a free appropriate public education. Student has provided adequate facts about the problem to permit North Coastal Consortium for Special Education to respond and participate in a resolution session, mediation, and prepare for a due process hearing.

ORDER

1. The 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.



Marlo Nisperos

Administrative Law Judge

Office of Administrative Hearings