BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL DISTRICT AND CARPENTER COMMUNITY CHARTER SCHOOL.

OAH CASE NUMBER 2020090247

ORDER DETERMINING COMPLAINT SUFFICIENT

SEPTEMBER 25, 2020

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 and Community Charter School, on September 8, 2020. On September 24, 2020, Los Angeles Unified timely 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).

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.)

Student's complaint asserts that Los Angeles Unified found Student eligible for special education under the eligibility of autism in August 2017. Student also alleges Student's needs included verbal and non-verbal communication and social interaction,

social, emotional, behavioral and or academic deficits. Student asserts that from the beginning of the 2017-2018 school year both Los Angeles Unified and Community Charter failed to properly address Students needs by providing him with a free appropriate public education, referred to as FAPE. Student alleges in a footnote that Parents had no knowledge of facts giving rise to claims before March 14, 2020.

Student's issues one, two and three, each including five subparts, allege Los Angeles Unified and Community Charter failed to appropriately and timely assess Student in all areas of suspected disability to determine his full range of needs during the 2017-2018, 2018-2019, and 2019-2020 regular and extended school years. Student alleges Los Angeles Unified and Community Charter failed to offer appropriate individualized education programs with all required elements during those school years. Student alleges he required, but Los Angeles Unified and Community Charter did not provide, an appropriate placement and services. Each issue specifically describes nine different areas of concern and itemizes the alleged deficiencies. Students' complaint also asserts nine detailed proposed remedies.

The facts and proposed resolutions alleged in Student's complaint are sufficient. Student's complaint identifies the issues and adequate facts about the problem to permit Los Angeles Unified and Community Charter to respond and participate in a resolution session and mediation.

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.

DocuSigned by:
Adrienne L. Krikorian
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Adrienne L. Krikorian

Administrative Law Judge

Office of Administrative Hearings