BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. MONROVIA UNIFIED SCHOOL DISTRICT .	OAH Case No. 2019051063 ORDER OF DETERMINATION OF SUFFICIENCY OF DUE PROCESS COMPLAINT

On May 24, 2019 Student filed a Due Process Hearing Request[1] (complaint) with the Office of Administrative Hearings naming Monrovia Unified School District. On May 30, 2019 Monrovia Unified filed a Notice of Insufficiency as to Student's complaint.

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

[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).

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

Monrovia contends Student's complaint is insufficiently pled as Student's complaint fails to provide enough details relating to the procedural and substantive IDEA violations. Monrovia alleges Student's complaint is vague and confusing because the information is insufficient to guide Monrovia in preparing for the hearing or participating in the resolution session.

The complaint alleges Monrovia Unified denied Student a free appropriate public education from October 25, 2018 through present due to an inappropriate placement and services that did not meet his needs. The complaint further explains Monrovia failed to implement the services of Student's Individualized Education Program relating to his FM system with a pass-around microphone and captioning.

The complaint contains the necessary information to provide Monrovia with an awareness and understanding of the problem. Student seeks a finding that Monrovia Unified denied Student a FAPE in the least restrictive environment and an order compelling Monrovia to reimburse Student's family for costs incurred by the family to educate Student, compensatory education, and a placement that meets Student's needs. Student's complaint identifies the issue and adequate related facts about the problem to permit Monrovia to response to the complaint and prepare for, and fully participate, at a due process hearing.

As to Student's proposed resolutions, a complaint is required to include proposed resolutions to the problem, to the extent known and available to the party at the time. (20 U.S.C. §1415(b)(7)(A)(ii)(IV).) Student identified not all them have are known at this time as a result of Student's changing needs. While the proposed resolution stated in Student's complaint is not well-defined, Student has met the statutorily required standard or stating a resolution to the extent known and available to him at the time.

Student's complaint is sufficient.

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.

DATE: May 31, 2019

DocuSigned by:
Tiffany Gilmartin
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TIFFANY GILMARTIN
Administrative Law Judge
Office of Administrative Hearings