BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

JULIAN CHARTER SCHOOL AND JCS-MANZANITA.

OAH CASE NUMBER 2019120075

ORDER OF DETERMINATION OF SUFFICIENCY OF DUE PROCESS COMPLAINT

MARCH 20, 2020

On December 2, 2019, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Julian Charter School.

On December 12, 2019, Julian Charter School filed a response to the complaint, identifying Student's allegations and directly responding to the factual assertions, including by proposing specific resolutions of Student's claims that correlated to the proposed resolutions stated in Student's complaint. Julian Charter School scheduled an early resolution session with Parents for December 17, 2019.

On March 6, 2020, Student filed an Amended Due Process Hearing Request, called an amended complaint, with OAH, naming Julian Charter School and JCS-Manzanita.

On March 5, 2020, Julian Charter School and JCS-Manzanita filed a joint notice of representation and response to the amended complaint. Julian Charter School and JCS-Manzanita's response identified Student's allegations and directly responded to the factual assertions, including by proposing specific resolutions of Student's claims that correlated to the proposed resolutions stated in Student's amended complaint. The response acknowledged Parents and Julian Charter School participated in an early resolution session on December 17, 2019.

On March 19, 2020, Julian Charter School filed a Notice of Insufficiency as to the amended complaint. Julian Charter School asserted it is not the responsible local educational agency and only JCS-Manzanita has been the local educational agency responsible for providing educational services to Student, or for making decisions regarding the provision of a free appropriate public education for Student. Julian Charter School argued the amended complaint failed to provide JCS with an awareness and understanding of the issues forming the basis of the complaint against it, and that without a full understanding of the specific issues Student is raising in his amended complaint, Julian Charter School "is greatly disadvantaged because it cannot sufficiently determine what it must address at the due process hearing or in any resolution session or mediation."

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

The facts alleged and proposed resolutions stated in Student's amended complaint are sufficient. Student's amended complaint identifies the issues and adequate facts about the problem to permit Julian Charter School to respond and participate in a resolution session and mediation. The sufficiency is patent given Julian Charter School's failure to file a Notice of Insufficiency regarding the original complaint with identical allegations, its service of a response to the original and factually identical amended complaint, its direct responses to the factual allegations of the amended complaint, its participation in an early resolution session in December 2019 before Student amended his complaint to add JCS-Manzanita as a party, and its clear and direct proposals to resolve the claims stated in Student's amended complaint.

Therefore, Student's statement of the claims is sufficient.

ORDER

1. The complaint is sufficient under title 20 United States Code section 1415(b)(7)(A)(ii).

2. All prehearing conference and hearing dates in this matter are confirmed, subject to modification as updated at https://www.dgs.ca.gov/OAH/Case-Types/Special-Education/News/Page-Content/Special-Education-News-List-Folder/Special-Education-News/Special-Ed-Mediations-For-March-18-20-Cancelled#@ViewBag.JumpTo. Additional information is available at https://www.dgs.ca.gov/OAH/Case-Types/Special-Education/Resources/SE-Coronavirus-Update/#@ViewBag.JumpTo

IT IS SO ORDERED.

DocuSigned by:
Kara Hatfield
8085C9417D1C4CF...

Kara Hatfield

Administrative Law Judge

Office of Administrative Hearings