BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

NEWHALL SCHOOL DISTRICT.

OAH CASE NUMBER 2023110708

ORDER OF DETERMINATION OF SUFFICIENCY OF DUE PROCESS COMPLAINT

JANUARY 4, 2024

On November 22, 2023, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Newhall School District. On December 7, 2023, Newhall filed a Notice of Insufficiency as to the complaint. On December 8, 2023, OAH found the complaint insufficient because, although it contained detailed factual background, it did not delineate any specific problems or issues to be adjudicated.

On December 21, 2023, Student filed an amended complaint, stating the factual background and adding ten delineated issues. On January 4, 2024, Newhall filed

another Notice of Insufficiency concerning some of the delineated issues. As discussed below, the amended complaint is sufficient.

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 in Student's complaint are sufficient, and Student identifies the issues and adequate facts about the problem to permit Newhall to respond and participate in a resolution session and mediation. For example, Issue 1 alleges that during the past two years, Newhall failed to offer Student an appropriate placement for the 2021-2022 and 2022-2023 school years. Newhall argues that this is not specific enough. Newhall argues that issue one spans a time period beyond the statute of limitations, does not identify specifically what was meant by "appropriate placement," and does not identify the dates of the individual education programs, or IEPs, that were at issue in the 2021-22 and 2022-23 school years. Newhall makes similar arguments concerning the level of detail stated in Issues 2, 3, 5, 9 and 10. However, that level of specificity is not legally required. The complaint provides an awareness and understanding of the issues forming the basis of the complaint and is sufficient to permit Newhall 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.

June Lehrman

June Lehrman

Administrative Law Judge

Office of Administrative Hearings