BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

TWIN RIVERS UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024060387

ORDER DETERMINING DUE PROCESS COMPLAINT INSUFFICIENT

JUNE 19, 2024

On June 10, 2024, Parents, on behalf of Student, filed a Due Process Hearing Request, often called a complaint, with the Office of Administrative Hearings, called OAH, naming Twin Rivers Unified School District as respondent. On June 18, 2024, Twin Rivers 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 Individuals with Disabilities Education Act, or 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.] 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 46541, 46699.)

DISCUSSION

Student's complaint alleges a single problem that is insufficiently pled. The complaint fails to provide Twin Rivers with adequate facts regarding alleged violations of the Individuals with Disabilities Education Act, also called the IDEA, or violations of state special education laws to give Twin Rivers enough information to prepare for resolution session, mediation or hearing.

The complaint does not allege whether Student is currently eligible for special education services, or that Twin Rivers failed to assess for special education eligibility. Student also fails to identify what time frame is involved in the claim being asserted. Most importantly, Student fails to allege how his inability to "relate to his courses of instruction" his feelings of being "dispirited and discouraged," and his tardies and absences relate in any way to Twin Rivers' failure to provide services pursuant to an IEP or any other violation of the IDEA or California special education laws. The only allegation involving mention of an IEP is that Parents asked for an IEP to request private school reimbursement but were "stalled and misdirected" by Twin Rivers which parents allege constituted an "effective" denial of their request. The complaint, as written, fails to provide adequate facts to allow Twin Rivers to prepare to participate in the resolution, mediation or hearing of this case.

ORDER

1. Student's complaint is insufficiently pled under section title 20 United States Code 1415(c)(2)(D).
2. Student shall be permitted to file an amended complaint under title 20 United States Code section 1415(c)(2)(E)(i)(II).

3. The amended complaint shall comply with the requirements of title 20 U.S.C. section 1415(b)(7)(A)(ii), and shall be filed not later than 14 days from the date of this order.
4. If Student fails to file an amended complaint within 14 days of the date of this order, the complaint will be dismissed.
5. All dates previously set in this matter are vacated.

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl
Administrative Law Judge
Office of Administrative Hearings