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 ALLIANCE KORY HUNTER MIDDLE SCHOOL.

OAH CASE NUMBER 2024020085

ORDER FINDING AMENDED DUE PROCESS COMPLAINT SUFFICIENT AS TO ALLIANCE KORY HUNTER MIDDLE SCHOOL

FEBRUARY 12, 2024

On February 9, 2024, Parent on behalf of Student filed an amended due process hearing request, called an amended complaint, with the Office of Administrative Hearings, referred to as OAH. The amended complaint named Los Angeles Unified School District, called Los Angeles, and Alliance Kory Hunter Middle School, called Alliance. On February 8, 2024, Alliance timely filed a notice of insufficiency as to the amended 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, called a FAPE; (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, and 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 amended complaint alleges six claims. Alliance's notice of insufficiency attacks Issues 1, 2, and 3, and Student's proposed resolutions. Those issues and the resolutions are discussed below.

The amended complaint alleges at Issue 1 that Student was denied a FAPE because Alliance's May 5, 2022 psychoeducational assessment was inadequate. Issue 1 describes the problem and provides an awareness and understanding of the issues forming the basis of that claim. Issue 1 is sufficient.

The amended complaint alleges at Issue 2 that Student was denied a FAPE because Alliance and Los Angeles failed to assess Student in all areas of suspected need, specifically in the areas of counseling, functional behavior, occupational therapy, and recreational therapy. Student alleges suspected needs in the areas of social emotional functioning, behavior, communication, and difficulty completing assignments that Alliance argues do not support a claim that it should have assessed for occupational or recreational therapy. Whether Student had suspected needs that required such assessments is a matter of proof for trial. However, the amended complaint alleges sufficient facts describing the problem in Issue 2 and provides Alliance with an awareness or understanding of the claim. Issue 2 is sufficient.

The amended complaint alleges at Issue 3 that Alliance and Los Angeles denied Student a FAPE by inadequately addressing Student's mental health, social skills, health, behaviors, and academics. Alliance argues that it is confusing that Student is appearing at Issues 2 and 3 to hold each entity responsible for the entirety of the time at issue. Alliance also argues that Student is not sufficiently specific about how such needs should have been addressed, or the time period actually at issue. However, Student alleges specific facts concerning his needs in each of these areas and describes the problem sufficiently to provide Alliance with an awareness and understanding of the claim. As for any confusion over the time period at issue, or when Student is alleging Alliance was responsible for a FAPE, Student clearly alleges in a footnote at page 2 that information presented outside of the statute of limitations is for foundational purposes

only, and Student left Alliance to enroll in Los Angeles on November 28, 2022. Issue 3 is sufficient.

Alliance contends that it is confused because Student requests a list of remedies against Alliance and Los Angeles without allocating them by time period or hour-by-hour between the named entities. 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 seeks changes to his individualized education program, independent educational evaluations, and compensatory education. These are common forms of relief awarded for denials of FAPE and no further breakdown is required, regardless of whether the amended complaint names one or more entities.

ORDER

1. The amended complaint is sufficient under title 20 United States Code section 1415(b)(7)(A)(ii) as to Alliance.
2. All mediation, prehearing conference, and hearing dates in this matter are confirmed.

Alexa Hohensee

Alexa Hohensee
Administrative Law Judge
Office of Administrative Hearings