BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

ANTELOPE VALLEY UNION HIGH SCHOOL DISTRICT AND WESTSIDE UNION SCHOOL DISTRICT.

OAH CASE NUMBER 2024010617

ORDER DETERMINING DUE PROCESS COMPLAINT INSUFFICIENT

JANUARY 31, 2024

On January 16, 2024, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Antelope Valley Union High School District and Westside Union School District as respondents. On January 30, 2024, Westside filed a Notice of Insufficiency as to the complaint, asserting the complaint failed to identify which of the named respondents was responsible for the asserted IDEA violations. Westside further argued that the complaint, as written, was too vague to allow it to understand the allegations made against it.

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.] 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.)

COMPLAINT INSUFFICIENT

Student's complaint alleges six insufficiently pled claims. Student failed to clearly state which issues are alleged against which school district. Student references education in two separate school districts, Antelope Valley Union High School District and Westside Union School District. However, Student alleges issues only against "the district" in each of the six enumerated legal allegations.

Student inserted unexplained references to school years and IEP dates following several of the legal allegations, followed by directions to the reader to "see Issue 1." The reference to Issue 1 is unintelligible. Furthermore, none of the legal allegations include facts providing a description of the nature of the problem related to a proposed initiation, change or refusal of Student's educational program as required by both state and federal law. (20 U.S.C. § 1415 (b)(6)(A) and (7)(A)(ii)(III); Ed. Code §56502, subd. (c)(1)(C).)

Student's issues fail to give the individual respondents adequate notice of the facts of the issues asserted to allow them to prepare for resolution session, mediation or hearing. As a result, Student's request for due process is insufficient.

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 a timely amended complaint, 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