BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

OAKLAND UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024090272

ORDER DETERMINING DUE PROCESS COMPLAINT SUFFICIENT

SEPTEMBER 20, 2024

On September 5, 2024, Student filed a request for due process hearing, complaint, with the Office of Administrative Hearings, OAH, naming Oakland Unified School District. On September 19, 2024, Oakland filed a timely notice of insufficiency regarding the complaint.

The named parties have the right to challenge the complaint's sufficiency, within 15 days of receiving the complaint. (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:

- 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,
- includes facts about the problem, and
- 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 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.)

Oakland argues that Student's complaint presents vague issues, as they are set forth in a form complaint in boxes created for separate issues. Rather than stating separate issues in each box, Student simply continued his recitation of facts from one box to the next. While it may be true that Student could have chosen a better format for laying out his complaint, the complaint, taken as a whole, does identify discrete issues for hearing.

The facts alleged in Student's complaint are sufficient. Student's complaint identifies the issues and adequate facts about the problem to permit Oakland to respond and participate in a resolution session and mediation. Student, in his complaint, alleges disagreeing with Oakland's February 2, 2022 IEP, regarding placement and specialized academic instruction. He described specialized academic instruction as being pull-out for study skills and reading instruction and push-in for English language arts, math, history, and science, in general education classes. He then alleges he could not appropriately access his education on a fast-paced comprehensive middle school campus, as offered by Oakland for the 2022-2023 school year. He specifically placed only the 2022-2023 school year at issue. In contrast to Oakland's offer, he alleges he appropriately accessed a full day supported special education program on a small, structured campus with small, structured classes and academic instruction focused on his dyslexia, while attending Raskob nonpublic school.

Complaints can be made clearer by stating the facts and then stating an issue supported by those facts. But the law requires only that the complaint provide enough information to give the responding party an awareness and understanding of the issues forming the basis of the complaint. Student has accomplished that.

Therefore, Student's complaint is deemed sufficient.

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.

Cole Dalton

Cole Dalton
Administrative Law Judge
Office of Administrative Hearings