BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

MANHATTAN BEACH UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024070770

# ORDER DETERMINING DUE PROCESS COMPLAINT SUFFICIENT

AUGUST 6, 2024

On July 23, 2024, Student filed a Due Process Hearing Request, also called a complaint, with the Office of Administrative Hearings, called OAH, naming Manhattan Beach Unified School District as respondent. On DATE, Manhattan Beach 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.)

Although the use of an optional, out of date, form complaint, in combination with Student's counsel's pleading, to express Student's claims is awkward, the facts alleged in Student's complaint are sufficient. Student's 23-page complaint and proof of service

include all information required by state and federal special education statutes to make a claim that Student's rights under the Individuals with Disabilities Education Act, or IDEA, have been violated.

Manhattan Beach complains that Student's complaint does not identify Student's address. However, Student address is identified on the first page of the form complaint. As to Manhattan Beach's contention that that issues 1 and 2 failed to offer adequate specifics, Manhattan Beach fails to acknowledge that a "child find" complaint or complaint regarding assessments could be, and here appear to, allege a failure to assess in some areas at all. Minimal pleading standards apply to requests for due process pursuant to the Individuals with Disabilities Education Act. (*Schaffer ex rel. Schaffer v. Weast,* (2005) 546 U.S. 49, 54 [126 S.Ct. 528, 163 L.Ed.2d 387].) While some clarification may be necessary at prehearing conference, Manhattan Beach is put on notice that Student has raised concerns about assessments between July 22, 2022, and July 22, 2024. Student's complaint identifies the issues and adequate facts about the problem to permit Manhattan Beach to respond and participate in a resolution session, mediation, and hearing.

ORDER

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

IT IS SO ORDERED.

*Penelope Pahl*

Penelope S. Pahl

Administrative Law Judge

Office of Administrative Hearings