BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

GARDEN GROVE UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024010699

ORDER OF DETERMINATION OF SUFFICIENCY OF DUE PROCESS COMPLAINT

FEBRUARY 7, 2024

On January 23, 2024, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Garden Grove Unified School District as respondent. On February 5, 2024, Garden Grove 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 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.)

DISCUSSION

The facts alleged in Student's complaint are sufficient. Student's complaint identifies the issues and adequate facts about the problem to permit Garden Grove to respond and participate in a resolution session and mediation and to prepare for hearing.

Student's complaint consists of four issues. Issue One alleges that Garden Grove denied Student a free, appropriate, public education, or FAPE, by failing to offer Student an appropriate placement. Issue One alerts Garden Grove to a problem regarding educational placement under the IDEA, as well as the time frame of the allegation, specifically, "April 25, 2023, through the present." Issue One is sufficient to permit Garden Grove to prepare for hearing.

Issue Two alleges that Garden Grove failed to offer appropriate goals in the areas of academics, specifically, work completion, social/emotional, specifically, mental health, and behavior. The complaint further identified that the problem with these goals is that Student was unable to make meaningful educational progress with the goals offered, and further specified that the goals in question were those offered by Garden Grove on November 2, 2023, and December 12, 2023. Issue Two is sufficient to permit Garden Grove to prepare for hearing.

Issue Three alleges that Garden Grove failed to offer appropriate services in the areas of academics, specifically, work completion, social/emotional, specifically, mental health, and behavior. The complaint further identified that the problem with these services is that Student was unable to make meaningful educational progress with the services offered, and further specified that the services in question were those offered

by Garden Grove on November 2, 2023, and December 12, 2023. Issue Three is sufficient to permit Garden Grove to prepare for hearing.

Issue Four alleges that Gaden Grove failed to offer "HHI," or home health instruction, from "September 26, 2023, through the present." Issue Four alerts Garden Grove to a problem with a failure to offer a particular service for a specified period of time. Issue Four is sufficient to permit Garden Grove to prepare for hearing.

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.

IT IS SO ORDERED.

Claire Yazigi

Claire Yazigi
Administrative Law Judge
Office of Administrative Hearings