BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

APPLE VALLEY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024060540

ORDER CLARIFYING ISSUE AND DETERMINING DUE PROCESS COMPLAINT SUFFICIENT

JUNE 18, 2024

On June 12, 2024, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Appley Valley Unified School District, called Apple Valley. On June 17, 2024, Apple Valley timely 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, called 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 46540-46541, 46699.)

DISCUSSION

Student's complaint includes a single issue. Student alleges that Apple Valley denied him a free appropriate public education from May 30, 2024, through June 12, 2024, by failing to place Student in a separate classroom setting where he could receive specialized academic instruction for 51 percent of his day. As clarified through this Order, Student's issue is sufficiently pled.

Apple Valley suggests a much broader reading of Student's narrow issue. However, Student's issue is not written so broadly. Student alleges that the placement offered in the May 30, 2024, individualized education program did not offer Student a free appropriate public education, because he required specialized academic instruction for 51 percent of his school day. Student's issue, as pled and clarified by this Order, is supported by sufficient facts such that Apple Valley has "an awareness and understanding of the issues forming the basis of the complaint." (Sen. Rep. No. 108-185, supra, at p. 34.)

Student's complaint identifies the issue and provides adequate facts about the problem to permit Apple Valley to respond and participate in a resolution session and mediation, and to defend itself in a due process hearing. In its Notice of Insufficiency, Apple Valley mounts multiple defenses, confirming that it has sufficient understanding of Student's complaint to defend itself. The additional information Apple Valley argues Student is required to provide in his complaint is beyond the IDEA's pleading requirements and is a matter of proof for the due process hearing. Therefore, Student's statement of his sole claim is sufficient.

ORDER

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

IT IS SO ORDERED.

Ashok Pathi

Ashok Pathi

Administrative Law Judge

Office of Administrative Hearings