BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021010614

ORDER DETERMINING DUE PROCESS COMPLAINT INSUFFICIENT

JANUARY 27, 2021

On January 25, 2021, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Los Angeles Unified School District. On January 27, 2021, Los Angeles 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

Student's complaint alleges one insufficiently pled claim. Student alleges Los Angeles failed to offer him an educational program appropriate to meet his unique disability-related needs at all times since July 1, 2020, thereby denying him a free appropriate public education, referred to as FAPE, and leaving his parents with no choice but to provide him with an appropriate program at private expense and to seek reimbursement for the costs incurred in doing so. The complaint fails to provide Los Angeles with any facts relating to the problem.

Student's complaint consists of the one sentence claim listed above and one sentence for the proposed resolution, that Los Angeles should be ordered to reimburse Parents for all costs incurred to provide him with an appropriate educational program and services between July 1, 2020, and the end of the 2020-2021 regular school year. Student does not provide any other information regarding the alleged denial of FAPE. Such a dearth of information leaves Los Angeles without an awareness and understanding of the issues forming the basis of the complaint. Los Angeles does not know anything about why Student thinks the educational program offered failed to meet his needs, what he believes he needed instead of what Los Angeles offered, or even what specific offer Student thinks was inappropriate. Based on the complaint, Los Angeles does not even know why Student alleged a denial of FAPE from July 1, 2020 onward. July 1, 2020 could have been the date Student moved into the district, it could have been the date of an individualized education program team meeting, or it could have been some other triggering event. Without facts relating to the problem Los Angeles is left to guess and does not have enough information to prepare for a resolution session or due process hearing. Therefore, Student's complaint 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.

Linda Johnson

Linda Johnson

Administrative Law Judge

Office of Administrative Hearings