BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

PACIFIC SPRINGS CHARTER SCHOOL.

OAH CASE NUMBER 2024060238

ORDER DETERMINING DUE PROCESS COMPLAINT SUFFICIENT

JULY 3, 2024

On June 5, 2024, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Springs Charter Schools as respondent. On June 20, 2024 OAH granted Student's motion to amend the complaint to correct the respondents' name to Pacific Springs Charter School. Student's first amended complaint was deemed filed on that date. On July 3, 2024, Pacific Springs filed a Notice of Insufficiency as to the amended 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.)

Pacific Springs asserts that Issue 2 of Student's First Amended Complaint fails to provide adequate facts to give it "an awareness and understanding of what issue 2 is asserting," thereby denying Pacific Springs the ability to properly defend itself. Pacific Springs acknowledges that Issue 2 alleges that "Charter denied Student a FAPE by failing to assess pursuant to Parent's February 20, 2024 request." However, Pacific Springs contends the amended complaint "fails to allege any facts supporting the claim."

Student's issue 2 alleges adequate facts on its face. Pacific Springs fails to offer any persuasive legal authority mandating more information than has been pled. The issue states the date of Parent's request and Student's assertion that the request should have triggered Pacific Spring's obligation to assess. Despite its assertion that no facts were pled as to this claim, Pacific Springs quotes facts from the complaint at page 8 which allege a February 20, 2024 email voiced concerns about academic regression as evidenced by the i-Ready diagnostics." Pacific Springs argues that:

> "voicing concerns about academic progress is not, in and of itself, a request for assessment. Nowhere does the Amended Complaint assert facts that Parent made an assessment request on February 20 2024 or any other date. Further, nowhere in the Amended Complaint Does Student specify what assessment, if any, Parent requested."

Not mentioned by Pacific Springs is the paragraph immediately preceding the one quoted, which notes that on February 12, 2024 parents expressed concerns to Student's teacher regarding Student's academic struggles. The complaint goes on to allege that the teacher responded by providing links to websites for math skills and online stories and advised Student to "do some extra i-Ready time." Subsequent

paragraphs identify additional exchanges with the parent regarding methods to address her academic concerns.

The facts alleged in issue 2 of Student's amended complaint are sufficient. Adequate facts about the problem are alleged to permit Pacific Springs to respond and participate in a resolution session, mediation and hearing. Rather than establishing that Student's complaint is insufficient, Pacific Springs' concerns appear to raise potential defenses to the claims that will have to be resolved at 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.
3. Nothing in this order precludes an Administrative Law Judge from seeking further issue clarification during a prehearing conference.

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl
Administrative Law Judge
Office of Administrative Hearings