BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

LOS GATOS-SARATOGA UNION HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2022020732

ORDER FINDING COMPLAINT SUFFICIENT

MARCH 10, 2022

On February 23, 2022, Parent on behalf of Student filed a due process hearing request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Los Gatos-Saratoga Union High School District. On March 4, 2022, Student withdrew Issue 3 of Student's complaint. On March 9, 2022, Los Gatos-Saratoga filed a combined notice of insufficiency and motion to dismiss. The filing was timely as to the notice of insufficiency.

OAH does not permit multiple motions to be filed in one document. Accordingly, as OAH must rule on the notice of insufficiency within five days, Los Gatos-Saratoga's filing will be treated as a notice of insufficiency. No action will be taken on the motion to dismiss issues, and Los Gatos-Saratoga may re-file its motion to dismiss as a separate document.

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, called a FAPE; (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, and 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.)

The facts alleged in Student's complaint are sufficient. Student alleges in his first claim that (1) Student was discriminated against stemming from an incident in an art class in November 2019, and extending over a two-year period, that violated both substantive and procedural requirements of the IDEA. Student alleges in his remaining

two claims that Los Gatos-Saratoga denied Student a FAPE by (2) offering transition services in a June 2021 individualized education program, or IEP, that were not implemented, and (3) unilaterally reducing the services written into Student's IEPs during the extended school years in Summer 2020 and 2021. As remedies, Student seeks compensatory education and services.

Student's complaint identifies the issues and adequate facts about the problem to permit Los Gatos-Saratoga to respond and participate in a resolution session and mediation. The remedies sought are also clearly stated.

Therefore, Student's statement of the three claims is sufficient.

ORDER

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

Alexa Hohensee

Alexa Hohensee
Administrative Law Judge
Office of Administrative Hearings