BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

JULIAN CHARTER SCHOOL AND

JULIAN CHARTER SCHOOL-MANZANITA.

OAH CASE NUMBER 2020030460

ORDER DETERMINING DUE PROCESS COMPLAINT SUFFICIENT

MARCH 26, 2020

On March 10, 2020, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Julian Charter School and Julian Charter School - Manzanita. On March 25, 2020, Julian and Julian–Manzanita 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 Julian and Julian-Manzanita to respond and participate in a resolution session and mediation. Julian and Julian–Manzanita's sole argument is that Student did not differentiate between Julian and Julian–Manzanita therefore, Julian and Julian–Manzanita do not know what allegations relate to which respondent.

Julian and Julian–Manzanita cite two OAH orders in which OAH determined complaints insufficient because the complaints alleged claims against multiple respondents but did not specify which facts related to which respondent. In the first case Julian and Julian–Manzanita cites, *Student v. San Diego Unified School Dist. and Old Town Academy* (March 29, 2017) OAH Case No. 2017011026 (Order Granting Notice of Insufficiency and Denying Motion to Dismiss Complaint), OAH issued an order determining the complaint insufficient because Student failed to assert that San Diego was the local education agency responsible for Student's education and referred to both San Diego and Old Town Academy collectively as "Charter."

Similarly, in the second case Julian and Julian–Manzanita cites, *Student v. River Springs Charter Academy and Riverside County Office of Educ.* (April 3, 2018) OAH Case No. 2018030675 (Order of Determination of Sufficiency of Due Process Complaint), OAH determined the complaint insufficient because Student did not specify what acts were attributable to River Springs and what acts were attributable to Riverside County Office of Education.

Here, Student asserts claims against Julian and Julian–Manzanita collectively. From a brief internet search Julian–Manzanita appears to be a school of Julian. Julian

and Julian–Manzanita do not appear to be two separate respondents. Although Julian and Julian–Manzanita put a footnote in its response to Student's complaint that Julian-Manzanita is its own local education agency and Julian is not a proper party, Julian and Julian–Manzanita did not make that argument in its notice of insufficiency.

Julian and Julian–Manzanita did not provide any evidence that they are two separate respondents. Therefore, Student's statement of the 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.

DocuSigned by:
Linda Johnson
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Linda Johnson

Administrative Law Judge

Office of Administrative Hearings