BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL DISTRICT AND CITIZENS OF THE WORLD CHARTER SCHOOL.

OAH CASE NUMBER 2022030247

ORDER OF DETERMINATION OF SUFFICIENCY OF DUE PROCESS COMPLAINT

MARCH 17, 2022

On March 4, 2022, 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 and Citizens of the World Charter School, referred to as Charter School. On March 14, 2022, Charter School 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

Charter School asserts that Issue 1 is insufficiently pled because it does not state the date, method of communication, or to whom Parents directed their request for assessment or if Parents made a request at all. Charter School also claims that the facts supporting Issues 2 and 4 fail to demonstrate that it was obligated to issue a prior written notice because the date Parents requested for Student to be assessed and the date Charter School denied the request is not stated in the complaint. Charter School alleges Issue 3 provides no detail on how Student's mental health or academic issues would have triggered a child find obligation or obligated it to offer a special education assessment.

The facts alleged in Student's complaint are sufficient. Student's complaint identifies the issues and adequate facts about the problem to permit Charter School to respond and participate in a resolution session and mediation.

Issue 1 alleges Charter School failed to meet its child find obligation in order to locate, evaluate, identify and serve Student and Charter School failed to find Student eligible for special education. Issue 2 alleges Charter School denied Student a free appropriate public education, called FAPE, by failing to provide an assessment plan, prior written notice and a copy of parental rights when Parents inquired about assessments; and alleges that Charter School refused to conduct assessments during the 2016-2017 school year. Issue 3 states Charter School denied Student a FAPE by failing to assess in all areas of suspected disability. Issue 4 alleges a denial of FAPE by failing to have to offer and provide an appropriate program to meet Student's needs.

Student's complaint stating four claims is sufficient. Student's complaint describes the problem relating to the proposed change regarding Student's identification, evaluation, or educational placement, or providing Student a FAPE.

ORDER

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

IT IS SO ORDERED.

* *Marlo Nisperos*

Marlo Nisperos
Administrative Law Judge
Office of Administrative Hearings