

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

MORAGA SCHOOL DISTRICT.
OAH CASE NUMBER 2021080029

ORDER FINDING AMENDED COMPLAINT SUFFICIENT

SEPTEMBER 7, 2021

On August 2, 2021, Student filed a due process hearing request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Moraga School District. On August 17, 2021, Moraga filed a notice of insufficiency as to the complaint. On August 19, 2021, OAH found Issue 1 sufficiently pled and Issue 2 insufficiently pled, and gave Student 14 days to file an amended complaint or the complaint would proceed on the sufficiently pled issue.

On August 20, 2021, Parents on behalf of Student filed an amended complaint with OAH. On September 3, 2021, Moraga School District filed a timely notice of insufficiency as to the amended complaint.

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, 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.)

Student alleges at Issue 1 that Moraga denied Student a FAPE by failing to assess Student and find him eligible for special education and related services during the 2019-2020 school year, despite alleged knowledge of severe impacts on Student's education due to his mental health issues and learning disabilities, requiring Parents to privately place Student in a residential treatment center in November 2019. At Issue 2, Student alleges that Moraga denied Student a FAPE for the 2020-2021 school year by failing to

timely assess Student and find him eligible, failing to offer an appropriate placement at the individualized education program, or IEP, team meeting on November 6, 2020, and failing to offer appropriate educationally-related mental health services to transition Student from a residential treatment center to Moraga's distance learning program in Student's home in the IEP of January 5, 2021. As resolutions, Student requests reimbursement for costs associated with his placement in a residential treatment center, reimbursement for assessments, and that Moraga fund ongoing mental health services by assessors of Parent's choice.

Here, the facts alleged in Student's amended complaint are sufficient. Student's amended complaint identifies the issue and adequate facts about the problem to permit Moraga to respond and participate in a resolution session and mediation.

Accordingly, Student's statements of Issues 1 and 2 and proposed resolutions are sufficient.

ORDER

1. The statement of Issues 1 and 2 in Student's amended complaint are 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.

Alexa Hohensee

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Administrative Law Judge

Office of Administrative Hearings