

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENT ON BEHALF OF STUDENT,

v.

PLACER UNION HIGH SCHOOL DISTRICT, CALIFORNIA HERITAGE
YOUTHBUILD ACADEMY II, SONOMA VALLEY UNIFIED SCHOOL
DISTRICT, NEVADA JOINT UNION HIGH SCHOOL DISTRICT, AND
CALIFORNIA DEPARTMENT OF EDUCATION.

OAH CASE NUMBER 2021090280

ORDER OF DETERMINATION OF
INSUFFICIENCY OF DUE PROCESS COMPLAINT AND
DISMISSING PLACER COUNTY
CHILDREN'S SYSTEM OF CARE AS A PARTY

SEPTEMBER 21, 2021

On September 8, 2021, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Placer Union High School District, California Heritage Youthbuild Academy II, Sonoma Valley

Unified School District, Nevada Joint Union High School District, and California Department of Education, Sonoma County Office of Education, which Student has already dismissed from the case, and Placer County Children's System of Care. On September 17, 2021, Placer County Children's System of Care filed a Notice of Insufficiency as to the complaint's allegations against it.

On September 20, 2021, Student filed an opposition to Placer County Children's System of Care's Notice of Insufficiency, noting that because "the Notice requests all allegations against [Placer County Children's System of Care] be dismissed; therefore, it is actually functioning as a motion to dismiss [Placer County Children's System of Care] as a party." Student's opposition fully responded to Placer County Children's System of Care's request to be dismissed.

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.)

The purpose of the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et. seq.) is to “ensure that all children with disabilities have available to them a free appropriate public education,” and to protect the rights of those children and their parents. (20 U.S.C. § 1400(d)(1)(A), (B), and (C); see also Ed. Code, § 56000.) A party has the right to present a complaint “with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to such child.” (20 U.S.C. § 1415(b)(6); Ed. Code, § 56501, subd. (a) [party has a right to present a complaint regarding matters involving proposal or refusal to initiate or change the identification, assessment, or educational placement of a child; the provision of a free appropriate public education to a child; the

refusal of a parent or guardian to consent to an assessment of a child; or a disagreement between a parent or guardian and the public education agency as to the availability of a program appropriate for a child, including the question of financial responsibility].) The jurisdiction of OAH is limited to these matters. (*Wyner v. Manhattan Beach Unified School Dist.* (9th Cir. 2000) 223 F.3d 1026, 1028-1029.)

DISCUSSION

Student's Complaint states claims against multiple public agencies on a variety of theories. Specifically as to Placer County Children's System of Care, the county's child welfare agency, Student alleges it denied Student a free appropriate public education, called FAPE, during the 2019-2020 and 2020-2021 school years by "[] failing to offer or provide him with an appropriate placement; [] usurping the IEP placement process; and [] failing to adequately monitor his academic progress."

The complaint fails to provide Placer County Children's System of Care with the required problem description and the facts relating to the problem. Student fails to state how the county child welfare agency was a "public agency . . . providing special education or related services to individuals with exceptional needs[] (Ed. Code §§ 56500 and 56028.5)" over which OAH has jurisdiction to address claims regarding a denial of FAPE. Student's complaint fails to allege how the child welfare agency's placement of Student in a group home for his safety and welfare as a minor adjudicated a dependent under the supervision of the Juvenile Court amounts to an educational placement under the Individuals with Disabilities Education Act. Student fails to state how the county child welfare agency's decision, under the authority of the Juvenile Court, of where Student will reside when not in the care, custody, and control of his Parent constitutes providing Student special education or related services, or "the provision of a free

appropriate public education to such child.” (20 U.S.C. § 1415(b)(6); Ed. Code, § 56501, subd. (a).

In Student’s response to the Notice of Insufficiency, and in an argument against dismissing Placer County Children’s System of Care from this case, Student correctly acknowledges “when [Student] was moved to Open Line Group Home, then to Koinonia Family Services, and then to Mountain Valley, the school and local education agency (LEA) responsible for his special education changed.” This admission is in line with Student’s allegation in his complaint that, “Due to the statutory scheme in California, the local educational agency responsible for the provision of [Student]’s educational program changed each time his placement changed. See Cal. Educ. Code §§ 56150, 56162, 56156.4(a).” Student concedes Placer County Children’s System of Care is not responsible for Student’s special education. Therefore, Placer County Children’s System of Care is not a proper party in this case.

ORDER

1. Student’s complaint is insufficiently pleaded under section title 20 United States Code 1415(c)(2)(D) as to Placer County Children’s System of Care.
2. Student shall not be permitted to file an amended complaint under title 20 United States Code section 1415(c)(2)(E)(i)(II) as to Placer County Children’s System of Care.

3. Placer County Children's System of Care is dismissed as a party to this case.
4. The matter shall proceed as scheduled as it pertains to the other named respondents.

IT IS SO ORDERED.

Kara Hatfield

Kara Hatfield

Administrative Law Judge

Office of Administrative Hearings