

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

CENTRALIA ELEMENTARY SCHOOL DISTRICT AND
GREATER ANAHEIM SPECIAL EDUCATION LOCAL PLAN AREA.

OAH CASE NUMBER 2021080887

ORDER FINDING DUE PROCESS COMPLAINT
INSUFFICIENT AS TO GREATER ANAHEIM SPECIAL
EDUCATION LOCAL PLAN AREA

SEPTEMBER 8, 2021

On August 27, 2021, Parents on behalf of Student filed a due process hearing request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Centralia Elementary School District and Greater Anaheim Special Education Local Plan Area, referred to as SELPA. On September 7, 2021, SELPA filed a timely notice of insufficiency as to Student's complaint against it.

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, 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.)

DISCUSSION

Student's complaint alleges that the two named agencies failed to conduct adequate assessments, failed to offer Student a free appropriate public education, called a FAPE, and failed to draft measurable goals. It also alleges that the named agencies failed to assess Student in a timely manner, failed to provide all educational records upon request, and failed to issue a prior written notice in response to a parental request. The complaint's 22 pages of alleged facts state only actions or inactions by Centralia.

Allegations against SELPA are limited to jurisdictional conclusions that Centralia is part of SELPA, and that Centralia and SELPA are local educational agencies responsible for providing educational services to Student. The complaint is devoid of facts describing any action or inaction by SELPA that denied Student a FAPE, or facts demonstrating that SELPA did, or was required by law to, provide Student with special education or related services.

Therefore, Student failed to state sufficient facts supporting any of the six claims as against SELPA.

ORDER

1. Student's complaint is insufficiently pled against Greater Anaheim Special Education Local Plan Area under section title 20 United States Code 1415(c)(2)(D).
2. Student will be permitted to file an amended complaint under title 20 United States Code section 1415(c)(2)(E)(i)(II).
3. The amended complaint must comply with the requirements of title 20 U.S.C. section 1415(b)(7)(A)(ii) and must be filed not later than 14 days from the date

of this order. The filing of an amended complaint will restart the applicable timelines for a due process hearing.

4. If Student fails to file a timely amended complaint, the complaint will be dismissed as to Greater Anaheim Special Education Local Plan Area.
5. If Student fails to file a timely amended complaint, the hearing shall proceed on all issues as to Centralia.

Alexa Hohensee

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Administrative Law Judge

Office of Administrative Hearings