

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

CALIFORNIA CONNECTIONS ACADEMY.

OAH CASE NUMBER 2021080880

ORDER DETERMINING SECOND AMENDED DUE PROCESS
COMPLAINT TO BE SUFFICIENT

NOVEMBER 08, 2021

On October 13, 2021, California Connections Academy filed a notice of insufficiency as to Student's first amended complaint. On October 15, 2021, the Office of Administrative Hearings, referred to as OAH, issued an Order finding that Issues Two, Three, and Four of Student's first amended complaint was insufficient, but that Issue One was sufficient. Student was given 14 days to file an amended complaint; otherwise, the matter would proceed to hearing on Issue One, alone.

Student submitted a second amended complaint on October 29, 2021. On November 1, 2021, OAH issued an Order finding that Student's submission was timely and deemed that second amended complaint filed. On November 3, 2021,

California Academy filed a notice of insufficiency as to Student's second amended 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).

The complaint is deemed sufficient unless a party notifies OAH and the other party in writing within 15 days of receiving the complaint that the party believes the complaint has not met the notice requirements. (20 U.S.C. § 1415(c)(2)(C); Ed. Code, § 56502, subd. (d)(1).)

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

Student's second amended complaint includes two issues.

ISSUE ONE IS SUFFICEINT

Issue One was found sufficient in the November 1, 2021 Order. Student has not altered Issue One in the second amended complaint. Therefore, Issue One is sufficient.

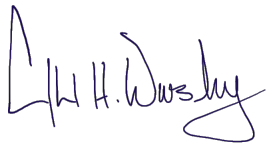
ISSUE TWO IS SUFFICEINT

Student's Issue Two is sufficient. Though somewhat disjointed, Issue Two asserts that California Connections should not have exited Student from special education when it failed to provide Student with a free appropriate public education because of the manner or time the government and biology classes were delivered to Student between January 7 and June 18, 2019. Issue Two provides California Connections with an awareness and understanding of the assertions forming the basis of the issue.

ORDER

1. The second amended complaint is deemed sufficient under title 20 United States Code section 1415(c)(2)(C) and Education Code section 56502, subdivision (d)(1).
2. All mediation, prehearing conference, and hearing dates in this matter are confirmed.

IT IS SO ORDERED.

A handwritten signature in blue ink, appearing to read "Clifford H. Woosley". The signature is stylized with a large initial "C" and "W".

Clifford H. Woosley

Administrative Law Judge

Office of Administrative Hearings