

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENT ON BEHALF OF STUDENT,

v.

SONOMA VALLEY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021110106

ORDER DETERMINING DUE PROCESS COMPLAINT
SUFFICIENT

NOVEMBER 8, 2021

On October 29, 2021, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, called OAH, naming Sonoma Valley Unified School District. On November 8, 2021, Sonoma Valley filed a Notice of Insufficiency as to the complaint.

Sonoma Valley argues Student's complaint is insufficient because Student failed to allege it was ever a resident of Sonoma Valley, and that as a result, Sonoma Valley has no responsibility to offer Student a free appropriate public education, called a FAPE. Further, Sonoma Valley argues because Student is not a resident of its school district, OAH does not have jurisdiction to adjudicate the case.

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 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 Individuals with Disabilities Education Act 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.)

Student's complaint is sufficient. The complaint alleges Sonoma Valley denied Student a FAPE during the 2019-2020 school year, through October 22, 2021. The complaint alleges Student was enrolled in Sonoma Valley during this time period and that Sonoma Valley provided Student with a special education program. The complaint includes facts related to the alleged denial of FAPE and proposed resolutions, including reimbursement and compensatory education.

Sonoma Valley's argument that because Student was never a resident of its school district, OAH does not have jurisdiction to adjudicate this case, is unpersuasive. There is sufficient information in Student's complaint to allow Sonoma Valley to have an awareness of the issues forming the basis of the complaint and to prepare for a resolution session, mediation, and due process hearing.

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 are confirmed.

IT IS SO ORDERED.

Tara Doss

Tara Doss

Administrative Law Judge

Office of Administrative Hearings