

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

RIVER SPRINGS CHARTER SCHOOL .
OAH CASE NUMBER 2021110363

ORDER FINDING COMPLAINT SUFFICIENT AS TO
RIVER SPRINGS

NOVEMBER 29, 2021

On November 12, 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 River Springs Charter School. On November 24, 2021, River Springs timely filed a notice of insufficiency as to the 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).

A complaint is sufficient if it 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; includes facts about the problem; and 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

The facts alleged in Student's complaint as to River Springs are sufficient. Student alleges that he lives within the boundaries of Riverside Unified School District, called District in the complaint, but attends a school in another local educational agency, River Springs. Student asserts two claims. One, that Riverside denied Student a FAPE by failing to offer him an appropriate individualized education program from August 2021. And two, that River Springs failed to conduct appropriate assessments of Student in October 2021. The facts alleged in support of the first claim involve purported actions

or inactions by River Springs, but Issue 1 is clearly and expressly alleged against Riverside.

River Springs contends that it cannot determine if Issue 1 was intended to be directed against River Springs, because Riverside was not named as a party. However, as Issue 1 is expressly pleaded against Riverside and not River Springs, whether or not to add Riverside as a party is a decision for Student and does not make the remainder of the complaint unclear as to the separate claim against River Springs.

Student's complaint alleges a single issue, Issue 2, against River Springs. The complaint identifies issues and adequate facts about the problem to permit River Springs to respond to Issue 2 and participate in a resolution session and mediation. Therefore, Student's statement of one claim against River Springs is sufficient.

ORDER

1. The complaint is sufficient as to River Springs 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.

IT IS SO ORDERED.

Alexa Hohensee

Alexa Hohensee

Administrative Law Judge

Office of Administrative Hearings