

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

MANTECA UNIFIED SCHOOL DISTRICT AND
SAN JOAQUIN COUNTY OFFICE OF EDUCATION.

OAH CASE NUMBER 2021110320

ORDER OF DETERMINATION OF SUFFICIENCY OF DUE
PROCESS COMPLAINT AS TO SAN JOAQUIN COUNTY
OFFICE OF EDUCATION

DECEMBER 22, 2021

On November 8, 2021, Parent on behalf of Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Manteca Unified School District and San Joaquin County Office of Education. Manteca and San Joaquin timely filed separate notices of insufficiency. On November 22, 2021, OAH found Student's complaint partially sufficient as to Manteca. On November 24, 2021, OAH found Student's complaint insufficient as to San Joaquin, and permitted Student to amend the complaint.

Student timely filed an amended complaint on December 7, 2021, naming Manteca and San Joaquin. On December 21, 2021, San Joaquin filed a notice of insufficiency.

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.)

DISCUSSION

Student's amended complaint alleges seven issues. Each issue alleges that Manteca and San Joaquin jointly denied Student a free appropriate public education, called FAPE, during the 2019-2020 and 2020-2021 school years, based upon various grounds. Issues one and three assert that respondents denied Student a FAPE by failing to implement his individualized education program, called IEP. Issue two asserts respondents denied Student a FAPE by failing to identify, locate, and evaluate Student for special education in a timely manner. Issue four asserts Parents were denied the ability to meaningfully participate in the development of Student's educational program. Issues five, six and seven allege deficiencies in Student's IEP. The facts alleged in the amended complaint are sufficient. Student's amended complaint identifies the issues and adequate facts about the problem to permit San Joaquin to respond and participate in a resolution session and mediation.

Therefore, Students amended complaint is sufficient as to San Joaquin.

ORDER

1. The complaint is sufficient as to San Joaquin 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.


Paul H. Kamoroff (Dec 22, 2021 10:45 PST)

Paul H Kamoroff

Administrative Law Judge

Office of Administrative Hearings