

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

ROSEVILLE CITY SCHOOL DISTRICT.
OAH CASE NUMBER 2022010663

ORDER OF DETERMINATION OF SUFFICIENCY OF DUE
PROCESS COMPLAINT

FEBRUARY 8, 2022

On January 24, 2022, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Roseville City School District as respondent. On February 7, 2022, Roseville 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: (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.] 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 46541, 46699.)

DISCUSSION

The facts alleged in complaint are sufficient. Student's complaint identifies the issues with adequate facts about the problem to permit Roseville to respond, participate

in a resolution session and mediation and prepare for hearing, if necessary.

Student's issue number one specifies a time frame of March 2020 to the date of filing over the school years of 2019-2020 and 2020-2021, including extended school year or ESY; and 2021-2022 through the date of filing. That issue asserts a denial of a free, appropriate public education, or FAPE, due to Roseville's failure to ensure Student's educational needs could be met in its distance learning, online-learning and independent study programs. Student then identifies the specific ways in which Roseville allegedly failed to meet those needs

Issue number two asserts that, Roseville denied Student a FAPE from March 2020 to the date of filing, by failing to schedule an IEP team meeting, assess Student's distance learning needs, have an IEP in place before the identified school years, and offer ESY services.

Issue number three alleges that Roseville denied Student a FAPE from March 2020 to the date of filing by failing to implement Student's then current IEP, failing to assess Student before November 20, 2021, offering a pre-determined IEP during the team meeting on November 20, 2021, denying parent meaningful participation during that meeting by not identifying Student's present levels, behavior needs, and goal progress, and failing to offer Student sufficiently ambitious goals to meet his needs.

Issue number four asserts that, from March 2020 to the date of filing, Roseville denied FAPE by failing to develop an IEP that included all of the required elements, including, adequate information to develop the IEP; Parents' comments, concerns and requests; sufficient accommodations and related services and necessary modifications of Student's educational program and related services; and sufficiently ambitious goals

Student's issue number five asserts that Roseville's offer of placement and services in the November 20, 2021 IEP denied FAPE because it failed to offer placement in the least restrictive environment.

Student's issue number six asserts that Roseville denied Student a FAPE during the 2021-2022 school years, including ESY, by failing to develop appropriate goals to address all of Student's needs.

Student's issue number seven alleges Roseville denied Student a FAPE during the 2021-2022 school year, and ESY, by failing to offer adequate specialized academic instruction and related services.

While the complaint is duplicative in some areas, it gives sufficient information to Roseville to put them on notice of Student's claims and the time period during which Student is making claims. This information is adequate to meet the minimal pleading requirements pertaining to a request for due process under both state and federal law. (20 U.S.C. § 1415 (b)(7)(A); Ed. Code §56502(c).)

ORDER

1. The complaint is sufficient under title 20 United States Code section 1415(b)(7)(A)(ii).
2. All prehearing conference, and hearing dates in this matter are confirmed.

IT IS SO ORDERED.

Penelope S. Pahl

Penelope S. Pahl

Administrative Law Judge

Office of Administrative Hearings