BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. SPRINGS CHARTER SCHOOLS.	OAH Case No. 2019030904 ORDER DETERMINING COMPLAINT INSUFFICIENT

On March 22, 2019, Parent on behalf of Student filed a Due Process Hearing Request[1] (complaint) with the Office of Administrative Hearings naming Springs Charter Schools. On April 3, 2019, Springs Charter Schools filed a Notice of Insufficiency as to Student's complaint.

APPLICABLE LAW

The named parties to a due process hearing request have the right to challenge the sufficiency of the complaint. (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 contains: (1) a description of the nature of the problem of the child relating to the proposed initiation or change concerning the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to the child; (2) facts relating to the problem; and (3) a proposed resolution of the problem 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

[1] A request for a due process hearing under Education Code section 56502 is the due process complaint notice required under title 20 U.S.C. section 1415(b)(7)(A).

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

Springs Charter Schools contends that: (1) Springs Charter Schools is not the appropriate party in this matter, and (2) Student failed to state any facts regarding exceptions or tolling of the statute of limitations. For these reasons, the complaint is insufficient.

The Alleged Responsible Party is Unclear

In Student's complaint, it alleges five separate "CLAIMS FOR RELIEF" against "District" and also proposes an order that "District" provide compensatory education in a number of specific areas. Student, however, fails to define "District" in its complaint.

In Student's "REVELANT FACTS" section it names Desert Sands Unified School District and Rivers Springs Charter Schools. Neither one is defined as "District". Further, there is no mention of Springs Charter Schools in this section or throughout the body of the complaint. Yet, Student names Springs Charter Schools as the only respondent in this matter.

No causes of action or factual allegations mention or discuss Springs Charter Schools. In fact, the only place in the complaint that Springs Charter Schools is mentioned is in the caption. Student does not specify any allegations of fact as to what specific acts or failures to act are attributable to Springs Charter Schools, and the claims for relief and proposed resolutions name "District" which is undefined. Because Student discusses Desert Sands Unified School District and River Springs Charter Schools throughout the complaint, it is unclear how Springs Charter Schools in involved in this matter. Because of this, the complaint fails to state sufficient facts that give Spring Charter Schools an awareness and understanding of the issues and proposed resolutions as they pertain to it such that can be used to prepare for a resolution session, mediation and hearing. Thus, the complaint is insufficiently pled as to Springs Charter Schools.[2]

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[2] Because the complaint is found to be insufficiently pled as to Springs Charter Schools, the issue of the statute of limitations will not be addressed in this Order.

ORDER

1. Student's complaint is insufficiently pled under section title 20 United States Code 1415(c)(2)(D) as to Springs Charter Schools.

2. Student shall be permitted to file an amended complaint under title 20 United States Code section 1415(c)(2)(E)(i)(II).[3]

3. The amended complaint shall comply with the requirements of title 20 U.S.C. section 1415(b)(7)(A)(ii), and shall be filed not later than 14 days from the date of this order.

4. If Student fails to file a timely amended complaint, it will be dismissed.

5. All dates previously set in this matter are vacated.

DATE: April 5, 2019

DocuSigned by:
Cynthia Fritz
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CYNTHIA FRITZ
Administrative Law Judge
Office of Administrative Hearings

[3] The filing of an amended complaint will restart the applicable timelines for a due process hearing.