BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL DISTRICT, ALLIANCE COLLEGE-READY MIDDLE ACADEMY, AND COMPTON UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025011050

ORDER DETERMINING DUE PROCESS COMPLAINT INSUFFICIENT AS TO ALLIANCE COLLEGE-READY MIDDLE ACADEMY

FEBRUARY 14, 2025

On January 28, 2025, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Los Angeles Unified School District, Alliance College-Ready Middle Academy, and Compton Unified School District. On February 12, 2025, Alliance filed a Notice of Insufficiency as to the complaint.

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, called 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.)

A 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 a 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 alleges the following issues:

1. Respondents denied Student a FAPE by failing to comprehensively assess him in all areas of suspected disability, in that
    a. Los Angeles failed to adequately assess Student's learning disabilities from August 2024 to present; and
    b. Compton failed to perform necessary and proper assessments from January 2023 through June 2024.
2. Respondents denied Student a FAPE by failing to develop and/or implement an individualized education program, called an IEP, designed to meet his unique needs, in that
    a. Los Angeles failed to implement and develop an adequate IEP for Student in the areas of placement, behavior, social skills development, academics, reading disabilities, emotional and mental health, and augmentative alternative communication, and ensure Student made reasonable progress on appropriate goals; and
    b. Compton failed to implement and develop an adequate IEP for Student from January 2023 through June 2024 in the areas of behavior, academics, social skills development, reading disabilities, emotional and mental health, language and speech therapy, and occupational therapy, and ensure that Student made appropriate progress on goals.

3. Respondents denied Student a FAPE by violating Parent's right to meaningful participation in the educational decision-making process, in that:
    a. Los Angeles and Compton predetermined Student's educational program;
    b. Los Angeles failed to provide prior written notice of its inability to provide Student with the appropriate services at Student's current placement;
    c. Los Angeles failed to timely provide Parent with a full and complete copy of Student's educational records; and
    d. Los Angeles failed to communicate with Parent in her primary language.

Alliance contends Student does not assert any claims against Alliance. Alliance contends the facts supporting the issues alleged do not describe when or how Alliance is responsible for the purported violations.

Student's complaint is insufficient as to claims against Alliance. Student names "Respondents" in the broad issues and specifies Los Angeles and Compton in describing the problems related to Student receiving a FAPE. However, Student does not include any facts supporting problems related to Student receiving a FAPE from Alliance. Student names Alliance only in Issue C2. Even so, the description of the problem is devoid of facts as it relates to Alliance.

The complaint fails to provide Alliance with the required description of the problems and adequate facts about the problems as it relates to Alliance's failure to provide a FAPE. The complaint does not have sufficient information to permit Alliance

to respond and participate in a resolution session and mediation. Accordingly, all issues in Student's complaint are insufficient as to its claims against Alliance.

ORDER

1. Student's complaint is insufficiently pled under title 20 United States Code section 1415(c)(2)(D) as to its allegations against Alliance College-Ready Middle Academy.
2. Student shall be permitted to file an amended complaint under title 20 United States Code section 1415(c)(2)(E)(i)(II).
3. The amended complaint shall comply with the requirements of title 20 United States Code section 1415(b)(7)(A)(ii) and shall be filed not later than 14 days from the date of this order. The filing of an amended complaint will restart the applicable timelines for a due process hearing.
4. If Student fails to file a timely amended complaint, the hearing will proceed as to Los Angeles Unified School District and Compton Unified School District.

Jeanie Min

Jeanie Min
Administrative Law Judge
Office of Administrative Hearings