BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

STUDENT,

v.

CALIFORNIA CONNECTIONS ACADEMY.

OAH CASE NUMBER 2022050764

ORDER DETERMINING INSUFFICIENCY OF DUE PROCESS COMPLAINT

JUNE 3, 2022

On May 23, 2022, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming California Connections Academy as respondent. On June 2, 2022, California Connections 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.)

COMPLAINT INSUFFICIENCIES

Student alleges one problem which is unable to be understood because it lacks adequate facts explaining why Student believes the Individuals with Disabilities

Education Act or IDEA has been violated.

If Student chooses to amend, Student, who is an adult and self-represented, also needs to include his telephone number and email address on the complaint. These are required information for a complaint to be sufficient. Additionally, when providing the name and address of the public agency or agencies involved in the due process hearing request, please identify the agency or agencies and then provide the address. To the extent email addresses are available for agency representatives, please provide their names and email addresses in the space requesting email addresses for all videoconference participants.

MEDIATOR ASSISTANCE AVAILABLE FOR SELF-REPRESENTED PARTIES

A party without an attorney may request that OAH provide a mediator to assist in identifying the issues and proposed resolutions that must be included in a complaint. (Ed. Code, § 56505.) Student is encouraged to contact OAH for assistance if he intends to amend his due process hearing request.

ORDER

1. Student's complaint is insufficiently pled according to the requirements of section 1415(c)(2)(D) of title 20 of the United States Code.
2. Student shall be permitted to file an amended complaint as allowed by section 1415(c)(2)(E)(i)(II), of title 20 of the United States Code.
3. The amended complaint shall comply with the requirements of section 1415(b)(7)(A)(ii), of title 20 of the United States Code, and shall be filed not later than 14 days from the date of this order.

4. If Student fails to file an amended complaint within 14 days of the date of this order, the case will be dismissed.
5. All dates previously set in this matter are vacated.

IT IS SO ORDERED.

Penelope S. Pahl

Penelope S. Pahl
Administrative Law Judge
Office of Administrative Hearings