BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL DISTRICT AND BRIDGES CHARTER SCHOOLS.

OAH CASE NUMBER 2019070462

ORDER OF DETERMINATION OF SUFFICIENCY OF DUE PROCESS COMPLAINT

On July 12, 2019, 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 and Bridges Charter Schools, sometimes referred to by the parties as Bridges Charter School. On July 29, 2019, Bridges Charter 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).

The complaint is deemed sufficient unless a party notifies OAH and the other party in writing within 15 days of receiving the complaint that the party believes the complaint has not met the notice requirements. (20 U.S.C. § 1415(c)(2)(C); Ed. Code, § 56502, subd. (d)(1).) Here, the Notice of Insufficiency is timely, as day 15 fell on a Saturday or Sunday. (Government Code, § 6707.)

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

Bridges Charter contends that all claims alleged in Student's complaint are insufficiently pled as to Bridges Charter, because they only refer or relate to the conduct of Los Angeles Unified. The body of the complaint only refers to Bridges Charter once, when it is simply described as Student's current placement.

Student's complaint alleges four issues. Issue 1 alleges that "District" failed to conduct a psychoeducational assessment pursuant to Parent's written request in March 2018. Issue 2 alleges that "District" failed to assess Student in all areas of suspected disability by failing to conduct an educationally related mental health services assessment. Issue 3 alleges that "District" failed to assess Student in all areas of suspected disability by failing to conduct a functional behavior assessment. Issue 4 alleges that "District" failed to hold an individualized education program team meeting, also known as an IEP team meeting, to implement the recommendations of the April 23, 2019, independent assessment. As resolutions, the complaint seeks relief only from "District," such that "District" is to fund compensatory education, services, and independent assessments, and hold an IEP team meeting.

The complaint does not contain any allegations that Bridges Charter is responsible in any way for any of the alleged failures of its co-respondent, Los Angeles Unified, or for any of the remedies Student seeks. None of Student's claims refer or relate to any conduct by Bridges Charter. Consequently, the complaint fails to provide Bridges Charter with the required problem description and the facts relating to the problem.

ORDER

1. Student's complaint as to Bridges Charter is insufficiently pled under section title 20 United States Code 1415(c)(2)(D).
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 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, Bridges Charter will be dismissed as a party and the matter will proceed against Los Angeles Unified only.

IT IS SO ORDERED.

DATED: July 31, 2019

DocuSigned by:
Elsa H. Jones
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Elsa H. Jones
Administrative Law Judge
Office of Administrative Hearings