BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

DOWNEY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025010803

ORDER DETERMINING DUE PROCESS COMPLAINT SUFFICIENT

FEBRUARY 6, 2025

On January 22, 2025, Parents on behalf of Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Downey Unified School District. On February 5, 2025, Downey 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.)

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.)

Parents used OAH's form entitled Request for Due Process Hearing and Mediation on Behalf of Student to allege three issues: changing Student's name system wide, Student's need for support, and assessment. The form refers to an attachment.

The attachment is Parent's declaration, dated January 22, 2025, with a description of the problems, facts about the problems, and seven proposed resolutions. The complaint received by OAH is 12 pages, including the attachment and declaration of service to Downey.

Downey contends it did not receive any attachment and Student's complaint is devoid of any supporting factual information, timeframes related to Student's claims, and other necessary information supporting the issues, including any proposed resolutions.

The complaint received by OAH is sufficient. In the attachment, Student's complaint identifies three issues:

1. Failure to Provide FAPE: Downey's refusal to assess Student and provide services.
2. Violation of Title IX Protections: Disclosure of Student's gender identity without proper safeguards.
3. Failure to Address Emotional and Psychological Needs: Downey's neglect compounded Student's emotional distress and hindered his access to education.

The attachment includes a description of the problems related to Student receiving a FAPE and adequate facts about the problems alleged, to permit Downey to respond and participate in a resolution session and mediation. Student's complaint also meets the statutorily required standard regarding proposed resolutions.

OAH cannot confirm whether Downey received a copy of Parent's declaration attached to the complaint. OAH received a complete copy of the complaint and a

declaration that Parent served a complete copy on Downey. The complaint OAH received is sufficient.

ORDER

1. The complaint is sufficient under title 20 United States Code section 1415(b)(7)(A)(ii). All prehearing conference and hearing dates in this matter are confirmed.
2. Downey may request that Parent resend the complaint, including the document entitled "Declaration of [Parent] in Support of Due Process Hearing."

Jeanie Min

Jeanie Min
Administrative Law Judge
Office of Administrative Hearings