BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

CASTRO VALLEY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024100891

ORDER DETERMINING DUE PROCESS COMPLAINT SUFFICIENT

NOVEMBER 13, 2024

On October 23, 2024, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Castro Valley Unified School District. On November 7, 2024, Castro Valley Unified School District 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).

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).)

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 sa 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.)

The facts alleged in Student's complaint are sufficient. Student's complaint alleged sufficient facts for Castro Valley Unified District to have awareness and an understanding of the alleged procedural violations, specifically:

- the alleged denial of a free appropriate public education by failing to exercise its child find obligations,
- the exceptions to the statute of limitations,
- predetermining the supports, services, and placement,
- failing to complete the independent educational evaluations in a timely manner, and
- failing to defend the September 6, 2022, and September 26, 2023, individualized education programs.

Castro Valley Unified District's motion included allegations that Student did not pierce the statute of limitations and Issue 8 falls outside of OAH's jurisdiction. These arguments are irrelevant to this sufficiency motion. Therefore, piercing the statute of limitations and OAH's jurisdiction of Issue 8 are not addressed in this Order.

Student's complaint identifies the issues and adequate facts about the allegation that Castro Valley School District failed to provide Student a FAPE to permit Castro Valley School District to respond and participate in a resolution session and mediation. Therefore, the facts alleged in Student's complaint are sufficient.

ORDER

1. Student's complaint is sufficient under title 20 United States Code section 1415(b)(7)(A)(ii).
2. The prehearing conference and hearing dates in this matter are confirmed.

Tara Doss

Thanayi Lindsey

Administrative Law Judge

Office of Administrative Hearings