BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

WILLIAM S. HART UNION HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2024030683

# ORDER DETERMINING DUE PROCESS COMPLAINT SUFFICIENT

APRIL 9, 2024

On March 20, 2024, Parent on behalf of Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming William S. Hart Union High School District, referred to as Hart. On April 4, 2024, Hart 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, called a 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.)

## DISCUSSION

The facts alleged in Student's complaint are sufficient. Student alleges Parent requested a due process hearing after an incident in January 2024 involving Student.

Student alleges Hart resolved the dispute by agreeing Hart would not assign Student's one-to-one special circumstances instructional assistant, called a SCIA, to work with any other Student or classroom. Student further alleges that Hart later retaliated against Student by failing to provide Student a qualified SCIA, and thereby violated Student's individualized education program. As a resolution, Student proposes Hart provide Student a qualified SCIA.

Student's complaint identifies the issue and adequate facts about an alleged failure to provide Student a FAPE to permit Hart to respond and participate in a resolution session and mediation. Student's statement of his claim is 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.

## IT IS SO ORDERED.



Robert G. Martin
Administrative Law Judge
Office of Administrative Hearings