BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

GLENDORA UNIFIED SCHOOL DISTRICT AND EAST SAN GABRIEL VALLEY SPECIAL EDUCATION LOCAL PLAN AREA.

OAH CASE NUMBER 2023050476

ORDER FINDING COMPLAINT SUFFICIENT

JUNE 02, 2023

On May 10, 202, Student filed a request for due process hearing, called a complaint, with the Office of Administrative Hearings, referred to as OAH. The complained named Glendora Unified School District, called Glendora, and East San Gabriel Valley Special Education Local Plan Area, called SELPA. On May 25, 2023, Glendora and SELPA filed a notice of insufficiency as to the complaint, asserting that Student had not clearly designated the alleged responsibilities of each respondent and that the complaint failed to allege facts sufficient to state a claim.

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; *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.)

Here, Student, in his complaint, alleges residing within the jurisdictional boundaries of Glendora and its SELPA during the 2021-2022 and 2022-2023 school years, through the present time. Student identifies Glendora as the local educational agency responsible for Student's educational program. Student also alleges SELPA as the responsible agency for providing orthopedically impaired specialist services, specialized services for low incident disabilities, and coordination of transportation services for Student. Student alleged facts sufficient to identify both Glendora and SELPA as local educational agencies with responsibility for his special education program and/or services.

As to both respondents, Student alleges three claims. In Issue 1, Student alleges respondents denied him a free appropriate public education, or FAPE, from May 10, 2021 through the present by failing to assign a teacher to his program, provide appropriate curriculum, books, and supplies and provide orthopedic impairment and traumatic brain injury specialists. Student's complaint identifies the issues and adequate facts about the problem to permit respondents to respond and participate in a resolution session and mediation.

In Issue 2, Student alleges being denied a FAPE because respondents failed to assess Student for vision therapy and failed to provide vision impairment consultation, services, or assessments. Student's complaint identifies the issues and adequate facts about the problem to permit respondents to respond and participate in a resolution session and mediation.

In Issue 3.1, Student alleges being denied a FAPE because his individualized education programs, or IEPs, did not implement appropriate supports and services in several identified areas, including the areas of transportation and orthopedic impairment specialist services. Student's complaint identifies the issues and adequate

facts about the problem to permit respondents to respond and participate in a resolution session and mediation.

In Issue 3.2, Student alleges being denied a FAPE as respondents failed to develop comprehensive IEPs and transition plans to include, among several other identified services, transportation and orthopedic impairment specialist services.

The allegations in Student's complaint provide an awareness and understanding of the issues forming the basis of the complaint. Though Student could have alleged additional facts explaining SELPA's responsibility pertaining to Issue 2, the allegations provide enough information for the named parties to know how to prepare for the hearing and how to participate in resolution sessions and mediation.

ORDER

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

Cole Dalton

Cole Dalton
Administrative Law Judge
Office of Administrative Hearings