BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

STUDENT,

v.

GATEWAY UNIFIED SCHOOL DISTRICT AND SHASTA UNION HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2024081014

ORDER DETERMINING DUE PROCESS COMPLAINT SUFFICIENT AS TO SHASTA UNION HIGH SCHOOL DISTRICT

SEPTEMBER 13, 2024

On August 26, 2024, Student filed a due process hearing request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Gateway Unified School District and Shasta Union High School District. On September 10, 2024, Shasta Union filed a notice of insufficiency as to the complaint. On September 12, 2024, Student responded to Shasta Union's motion.

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 Board of Educ. v. Benton* (S.D.Ala. 2005) 406 F.Supp.2d 1248, 1259-1260; *Sammons v. Polk County School Board* (M.D.Fla., Oct. 28, 2005, 8:04CV2657T24EAJ) 2005 WL 2850076 [nonpub. opn.]; but cf. *M.S.-G v. Lenape Regional High School Dist. Board 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 46540-46541, 46699.)

Shasta Union alleges the complaint is insufficient because Student did not establish Parents have standing to file the complaint on her behalf. Additionally, Shasta Union alleges the complaint is vague and fails to provide Shasta Union with sufficient notice of the issues forming the basis of the complaint because Student did not establish a succinct timeline for her enrollment at Shasta Adult School or that Shasta Union had an obligation to assess, convene an individualized education program, called an IEP, team meeting, or offer Student FAPE. Finally, Shasta Union alleges Student did not include a comprehensive proposed resolution.

Student was 21 years old at the time the complaint was filed. Student's attorney filed the complaint naming Parent on behalf of Student. Student's attorney noted he was retained to represent Student's interests. Student did not include any information in the complaint that she was conserved or that she transferred education rights to Parent. However, the question if Parent has standing to file a complaint on Student's behalf, or if Student authorized the complaint, is not appropriate for a notice of insufficiency. The threshold questions for a notice of insufficiency are a description of the problem, facts about the problem, and a resolution. Moreover, Student responded to Shasta Union's motion with a copy of an assignment of educational rights that Student signed transferring educational rights to Parent.

Student alleges three issues against Shasta Union. Issue 1 alleges Shasta Union denied Student a FAPE by failing to conduct a psychoeducational evaluation on or before November 18, 2023. Issue 2 alleges Shasta Union denied Student a FAPE by failing to convene an annual IEP team meeting in 2023. Issue 3 alleges Shasta Union denied Student a FAPE by failing to convene an IEP team meeting in 2024. Student

provided facts to support the claims. Student alleges she attended Shasta Adult School from January 2023 through March 2023, and again from November 2024 through March 2024. Student also alleges her last three-year review assessment was conducted in November 2023, and the last IEP team meeting was held on October 27, 2022. Student identified the issues and provided enough facts for Shasta Union to respond and participate in a resolution session and mediation. Whether or not Shasta Union had an obligation to assess Student or convene an IEP team meeting are issues within OAH's jurisdiction. Therefore, Student's statement of the three issues against Shasta Union is sufficient.

Student's proposed resolutions request funding for a credit recovery program, an IEP team meeting, an independent educational evaluation, and compensatory education. Student has met the statutorily required standard of stating a resolution to the extent known and available to her at the time.

ORDER

1. The complaint is sufficient as to Shasta Union High School District under title 20 United States Code section 1415(b)(7)(A)(ii).
2. All mediation, prehearing conference, and hearing dates in this matter are confirmed.

Linda Dowd

Linda Dowd
Administrative Law Judge
Office of Administrative Hearings