BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

KEILLER LEADERSHIP ACADEMY.

OAH CASE NUMBER 2022060517

ORDER FINDING COMPLAINT SUFFICIENTLY PLEADED

JULY 06, 2022

On June 17, 2022, 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 Keiller Leadership Academy. On July 5, 2022, Keiller 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; (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, and 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.)

Student alleges that during the 2020-2021 school year, Student attended school remotely, and received much less specialized instruction than called for in his individualized education program. He alleges that after a year of distance learning, his reading level was well below grade level because he could not learn without explicit instructions and frequent checks for understanding. Keiller did not put services to support Student into place until the end of the 2020-2021 school year, when Student was offered insufficient specialized instruction, with occupational therapy, language and speech, adapted physical education and counseling services. Student alleges that he required intensive reading intervention and other supports belatedly put in place during distance learning. He also alleges that Keiller improperly denied Parent's request for an

independent educational evaluation. Keiller, in its notice of insufficiency, contends that it needs more details on what Student claims was insufficient about the 2020-2021 program, and that the independent evaluation issue has no merit.

The facts alleged in Student's complaint are sufficient. Student's complaint identifies the issues and adequate facts about the problem to permit Keiller to respond and participate in a resolution session and mediation. As to the merits of Student's claim for an independent educational evaluation, that will be decided on the merits after a due process hearing.

Therefore, Student's statement of the claims is sufficient.

ORDER

1. The complaint is sufficient 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.

Alexa Hohensee

Alexa Hohensee
Administrative Law Judge
Office of Administrative Hearings