BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

ESCONDIDO UNION SCHOOL DISTRICT.

OAH CASE NUMBER 2024080429

ORDER DETERMINING DUE PROCESS COMPLAINT SUFFICIENT

AUGUST 26, 2024

On August 9, 2024, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Escondido Union School District. On August 23, 2024, Escondido Union 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. (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.)

Student's complaint presents six issues as follows:

1. Did Escondido Union's multi-disciplinary team evaluation summary dated December 21, 2022 deny Student a free appropriate public education, called

FAPE, in the least restrictive environment by failing to appropriately assess in all areas or suspected disability and/or need?

2. Did Escondido Union deny Student a FAPE in the least restrictive environment by failing to assess or timely assess in all areas of suspected disability and/or when warranted?
3. Did Escondido Union's December 21, 2022 individualized education program, called an IEP, amended April 21, 2023, and October 5, 2023, deny Student a FAPE in the least restrictive environment by failing to provide appropriate present levels, present levels in all area of need, appropriate goals, goals in all areas of need, appropriate accommodations and modifications, accommodations and modification in all areas of need, appropriate services, services in all areas of need, and a clear offer?
4. Did Escondido Union's December 18, 2023 annual IEP deny Student a FAPE in the least restrictive environment by failing to provide appropriate present levels, present levels in all areas of need, appropriate goals, goals in all areas of need, appropriate accommodations and modifications, accommodations and modification in all areas of need, appropriate services, services in all areas of need, and a clear offer?
5. Did Escondido Union deny Student a FAPE in the least restrictive environment following Parent's March 10, 2024 request for independent educational evaluations by failing to file and defend the December 21, 2022 triennial reevaluation without unnecessary delay?
6. Did Escondido Union's assessment plan dated March 19, 2024, deny Student a FAPE in the least restrictive environment by failing to offer to assess in all areas of suspected disability and/or need as warranted under the circumstances?

Escondido Union contends that Student's Issues 1, 2, and 6, fail to provide any analysis of how Escondido Union failed to meet the Individuals with Disabilities Education Act's, called IDEA, requirements regarding evaluations and assessments.

Student's Issues 1, 2, and 6, identify the specific assessment report in question and state examples of specific claims of defects contained in the summary, which sufficiently describe the problem relating to the evaluations, and contains facts about the problem.

Escondido Union contends Issues 1, 2, and 6, fail to provide sufficient analysis to determine whether each contention constitutes a substantive or procedural defect or how the alleged defect impacted the appropriateness of the evaluations. A complaint provides enough information when it provides "an awareness and understanding of the issues forming the basis of the complaint." As such, Student need not provide an extensive or definitive analysis of each contention to provide sufficient information to put Escondido Union on notice of Student's claims.

Similarly, Escondido Union contends Student's Issues 3 and 4 fail to analyze how Escondido Union failed to meet the IDEA's requirements regarding IEPs. Again, Student specifically identified the IEPs in question and provided the specific areas of alleged deficits contained in each IEP. While Issues 3 and 4 may be broader than preferred, the issues as stated still provide Escondido Union with sufficient information to provide notice of Student's claims.

Escondido Union did not raise any objection to Student's Issue 5.

The facts alleged in Student's complaint are sufficient. Student's complaint identifies the issues and adequate facts about the problem to permit Escondido Union to respond and participate in a resolution session and mediation.

Therefore, Student's statement of the six issues 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.

Judith Pasewark

Judith Pasewark

Administrative Law Judge

Office of Administrative Hearings