BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT AND

LA MESA-SPRING VALLEY SCHOOL DISTRICT.

OAH CASE NUMBER 2024101087

ORDER DETERMINING DUE PROCESS COMPLAINT SUFFICIENT AS TO CLAIMS ALLEGED AGAINST LA MESA-SPRING VALLEY SCHOOL DISTRICT

NOVEMBER 6, 2024

On October 30, 2024, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, called OAH, naming Chula Vista Elementary School District, and La Mesa-Spring Valley School District, as respondents. On November 6, 2024, La Mesa-Spring Valley 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; (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 Individuals with Disabilities Education Act, or 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.] 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 46541, 46699.)

Minimal pleading standards apply to requests for due process pursuant to the Individuals with Disabilities Education Act. (*Schaffer ex rel. Schaffer v. Weast*, (2005) 546 U.S. 49, 54 [126 S.Ct. 528, 163 L.Ed.2d 387].)

THE COMPLAINT IS ADEQUATELY CLEAR AS TO WHICH ALLEGATIONS ARE ASSERTED AGAINST LA MESA-SPRING VALLEY

La Mesa-Spring Valley asserts that the complaint is confusing in its use of "District" to reference both respondents because it fails to provide sufficient information for La Mesa-Spring Valley to understand which allegations pertain to which school district.

Student does use "District" as a shorthand for both school districts. However, Student was careful to separate the allegations as to the two schools. To do this, Student noted the full district name and school year at issue in the different section headings. Student then listed the claims against the two different school Districts in the respective sections. Thus, claims against La Mesa-Spring Valley begin on page 48, and end on page 72. Allegations against La Mesa-Spring Valley are listed in Section II, subsections (1) through (9). Similarly, proposed resolutions are clearly labeled. Subsection B of the proposed resolutions pertains to La Mesa-Spring Valley and lists 21 proposed remedies specifically for the alleged claims against La Mesa-Spring Valley. Student has identified the claims against the two respondents adequately clearly to allow La Mesa-Spring Valley to understand which allegations pertain to it.

THE COMPLAINT ALLEGES ADEQUATE FACTS REGARDING LA MESA-SPRING VALLEY'S OBLIGATION TO PROVIDE FAPE.

La Mesa-Spring Valley asserts the complaint fails to "clarify if, how, or when La Mesa-Spring Valley assumed responsibility for FAPE. La Mesa-Spring Valley notes Student's listed address is not within its boundaries "Without any indication of a transfer placement agreement, or other arrangement that would shift responsibility" to La Mesa-Spring Valley. La Mesa-Spring Valley contends this "unfairly burdens La Mesa-Spring Valley by forcing it to speculate about the nature and basis of its alleged responsibility."

The complaint alleges the school year and La Mesa-Spring Valley school site Student asserts he attended during the 2024-2025 school year. Student alleges La Mesa-Spring Valley held an IEP team meeting for Student on September 9, 2024. La Mesa-Spring Valley offers no legal authority requiring Student to plead facts identifying the basis for his attendance at a La Mesa-Spring Valley school. Here, it is alleged an IEP was offered, that it was inadequate for Student's needs and failed to offer student a free, appropriate public education. La Mesa-Spring Valley offers no legal authority requiring Student to plead entitlement to attend school in the district. La Mesa-Spring Valley is adequately put on notice that Student is alleging he attended a La Mesa-Spring Valley school and was denied FAPE.

THE COMPLAINT PROVIDES LA MESA-SPRING VALLEY ADEQUATE NOTICE OF THE SPECIFIC CLAIMS AGAINST IT ALLEGING INADEQUATE SERVICES IN THE AREAS OF SPEECH AND LANGUAGE, OCCUPATIONAL THERAPY, BEHAVIOR INTERVENTION, AND THE PROVISION OF A 1:1 AIDE, AND TO ADDRESS REGRESSION.

Student challenges the adequacy of the IEP offer made in the areas of speech therapy, occupational therapy, behavior intervention and the need for a 1:1 aide. Student has alleged a description of his difficulties in school, and an allegation that his skill deficits required additional services. La Mesa-Spring Valley asserts, without any legal authority, that Student is required to plead additional facts describing why the challenged services levels are inadequate and what additional services might be required to achieve educational benefit as required by law. La Mesa-Spring Valley offers no legal authority requiring Student to plead the additional facts. La Mesa-Spring Valley is on notice of the alleged IEP inadequacies in enough detail to prepare for resolution session, mediation, and hearing.

THE COMPLAINT PROVIDES LA MESA-SPRING VALLEY ADEQUATE NOTICE OF THE SPECIFIC CLAIMS AGAINST IT ALLEGING THAT IT WRONGFULLY FAILED TO OFFER STUDENT EXTENDED SCHOOL YEAR SERVICES

As with Student's allegations of failure to provide services, the complaint offers adequate facts to put La Mesa-Spring Valley on notice of Student's claim that his IEP should have offered extended school year services. La Mesa-Spring Valley again argues, without authority, that Student is required to plead the specific facts necessary establish his entitlement to receive extended school year services. Instead, the IDEA requires that Student state a problem, offer facts supporting the problem and offer a proposed

resolution to the problem. (20 U.S.C. § 1415(b)(7)(A)(ii)(III) & (IV).) La Mesa-Spring Valley has adequate information to understand the claim against it and prepare for resolution session, mediation and hearing.

THE COMPLAINT ALLEGES ADEQUATE FACTS TO PUT LA MESA-SPRING VALLEY ON NOTICE OF CLAIMS THAT IT FAILED TO OFFER ADEQUATE ACCOMMODATIONS; HOME ABA THERAPY; PARENT TRAINING IN SPEECH AND LANGUAGE, AND BEHAVIOR; AND ADEQUATE OPPORTUNITIES TO INTERACT WITH TYPICALLY DEVELOPING PEERS

La Mesa-Spring Valley's primary complaints about these allegations is that the alleged bases for the needs are not adequately explained in the complaint. Yet La Mesa-Spring Valley offers no legal authority supporting its contention that Student must provide comprehensive evidence of needs and expert opinions in order to state a claim in a request for due process. Nor does La Mesa-Spring Valley offer legal authority requiring that Student's complaint analyze all factors necessary to establish that his placement failed to meet the least restrictive environment requirements under the IDEA. Student will have the burden of proof in the hearing. (*Schaffer v. Weast* (2005) 546 U.S. 56-62 [126 S.Ct. 528, 163 L.Ed.2d 387].) However, the burden of proving claims at hearing, and the pleading requirements in a request for due process hearing are subject to different standards. Here, Student has met the minimal pleading requirements applicable to the statement of claims in a request for due process hearing.

The facts alleged in Student's complaint are sufficient. Student's complaint

identifies the issues and adequate facts about the problem to permit La Mesa-Spring Valley to respond and participate in a resolution session, mediation and hearing.

ORDER

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

Penelope Pahl

Penelope S. Pahl
Administrative Law Judge
Office of Administrative Hearings