BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENT ON BEHALF OF STUDENT,	OAH CASE NO. 2014090161
v.	ORDER OF DETERMINATION OF SUFFICIENCY OF DUE PROCESS COMPLAINT
SANTA ROSA CITY SCHOOLS.	

On August 27, 2014, Parent on behalf of Student filed a Due Process Hearing Request][1] (complaint) naming Santa Rosa City Schools. On August 27, 2014, Santa Rosa timely filed a Notice of Insufficiency as to Student's complaint.

APPLICABLE LAW

The named parties to a due process hearing request have the right to challenge the sufficiency of the complaint.[2] 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 contains: (1) a description of the nature of the problem of the child relating to the proposed initiation or change concerning the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education (FAPE) to the child; (2) facts relating to the problem; and (3) a proposed resolution of the problem to the extent known and available to the party at the time.[3] 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.[4]

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[1] A request for a due process hearing under Education Code section 56502 is the due process complaint notice required under Title 20 United States Code section 1415(b)(7)(A).

[2] 20 U.S.C. § 1415(b) & (c).

[3] 20 U.S.C. § 1415(b)(7)(A)(ii)(III) & (IV).

[4] 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."[5] 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.[6] Whether the complaint is sufficient is a matter within the sound discretion of the Administrative Law Judge.[7]

DISCUSSION

Student's complaint consists of eight (8) legal size, single spaced pages that are primarily a narrative of Student's and Parent's relationship with Santa Rosa since Student's second grade. Student alleges she is now 21 years old but provided Santa Rosa with an executed assignment in July 2012, authorizing her Parent/Mother to exercise educational rights on Student's behalf. Student's complaint sufficiently identifies one problem, as discussed below.

Parent/Mother repeatedly states that Santa Rosa has denied Student proper services, supports, monitoring, and timely IEP's meetings since second grade. The complaint reviews Parent/Mother's efforts to educate herself about special education law and claims that the Santa Rosa should have done more in this regard many years before. Parent/Mother refers to prior due process complaints she has filed, explains why some have been dismissed, criticizes Santa Rosa's pending due process complaint that seeks permission to assess Student, and refers to issues that are part of other pending due process proceedings.

Though the complaint contains many generalities and irrelevant factual assertions, the complaint unambiguously states that District has failed to meet its obligation to hold an IEP since the 2012 IEP and, as a consequence, Student has not received a timely or appropriate offer of placement and services.

Santa Rosa also objects to the complaint's proposed remedy. Student's proposed resolution is "substantial monetary damages" for the loss of Student's "education, her independence, her ability to mingle with peers, to live on her own, to work, to attend college, . . . loss of her self-esteem, of friendships, of any semblance of a normal life." A complaint

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[5] Sen. Rep. No. 108-185, *supra*, at p. 34.

[6] *Alexandra R. v. Brookline School Dist*. (D.N.H., Sept. 10, 2009, No. 06-cv-0215-JL) 2009 WL 2957991 at p.3 [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 Bd.* (M.D. Fla., Oct. 28, 2005, No. 8:04CV2657T24EAJ) 2005 WL 2850076 at p. 3[nonpub. opn.] ; but cf. *M.S.-G. v. Lenape Regional High School Dist.* (3d Cir. 2009) 306 Fed.Appx. 772, at p. 3[nonpub. opn.].

[7] Assistance to States for the Education of Children With Disabilities and Preschool Grants for Children With Disabilities, 71 Fed.Reg. 46540-46541, 46699 (Aug. 14, 2006).

is required to include proposed resolutions to the problem, to the extent known and available to the party at the time. (20 U.S.C. §1415(b)(7)(A)(ii)(IV).) Though District may argue that the proposed resolution is not within the jurisdiction of the Office of Administrative Hearings, the proposed resolution is simply and clearly stated. Santa Rosa is aware of what remedy Student seeks and it is thus sufficiently defined.

The sole issue of Student's complaint is that Santa Rosa failed to hold an IEP meeting since the 2012 IEP. This assertion sufficiently identifies a problem, with adequate related facts about the issue.

If Student intends her complaint to assert any issues in addition to the single issue identified above, she should seek to amend her complaint. Otherwise, the complaint will proceed to hearing on the sole issue.

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.

DATE: September 05, 2014

/s/

CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings