BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

RIVER SPRINGS CHARTER SCHOOL.

OAH CASE NUMBER 2020090952

ORDER OF DETERMINATION OF SUFFICIENCY OF DUE PROCESS COMPLAINT

OCTOBER 1, 2020

On September 23, 2020, Parent on behalf of Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming River Springs Charter School. On September 30, 2020, River Springs timely 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 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.)

DISCUSSION

River Springs contends Student's complaint is insufficient as it fails to clearly describe factual allegations, arguments, issues, and proposed resolutions against River Springs, as opposed to Riverside Unified School District. The complaint states that Student resides within the jurisdictional boundaries of Riverside Unified and that he attended Riverside Unified for the 2017-2018 school year. The complaint is unclear whether Student remained enrolled in Riverside Unified for the 2018-2019 school year. The complaint explains that Student enrolled in River Springs for the 2019-2020 school year. River Springs is its own local educational agency.

Student's complaint raises four claims, all of which are sufficient. The complaint identifies River Springs as the only named party, as noted on page three of the complaint, under roman numeral III. Riverside Unified is not a named party. Under roman numeral III, the complaint identifies River Springs as "RSCS/District". The complaint also refers to Riverside Unified as "District". However, the confusion does not render the complaint insufficient as only River Springs is named as a party, and the claims raised in the complaint can only be understood to made against River Springs.

In liberally construing the complaint, the four issues plead against River Springs provides River Springs with an awareness and understanding as to the alleged violations against it. The complaint provides a sufficient description of the problem to allow River Springs to prepare for the hearing and to participate in a resolution session. Accordingly Issues One, Two, Three, and Four are sufficiently plead.

Student's proposed resolutions requests independent educational evaluations, compensatory educational services, and reimbursement for private tutoring. A complaint 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).) The proposed resolutions stated in Student's complaint are well-defined and meets the statutorily required standard of stating a resolution to the extent known and available to him at the time.

ORDER

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

IT IS SO ORDERED.

DocuSigned by:
Rommel P. Cruz
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Rommel P. Cruz

Administrative Law Judge

Office of Administrative Hearings