BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

PALO ALTO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024110050

# ORDER DETERMINING DUE PROCESS COMPLAINT SUFFICIENT

NOVEMBER 15, 2024

On October 30, 2024, Parents, on behalf of Student, filed a Due Process Hearing Request, also called a complaint, with the Office of Administrative Hearings, called OAH, naming Palo Alto Unified School District as respondent. On November 12, 2024, Palo Alto 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.)

## DISCUSSION

Palo Alto complains that the complaint lacks "any factual context or details to put the District on notice of what actionable claims are being raised." Specifically, Palo Alto asserts Student should be required to identify why prior IEPs to which Parents consented, are now considered by them to be inadequate.

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].) Palo Alto offers no persuasive legal authority mandating this level of detail in Student's pleadings. Prior OAH orders are not precedential. (Cal. Code Regs, tit. 5, § 3085.)

Student asserts three issues:

Issue #1: During the 2022-2023 school year, including ESY, did the Respondent fail to offer Petitioner a FAPE by not offering Petitioner appropriate academic support services?

Issue #2: During the 2022-2023 school year, including ESY, did the Respondent fail to offer Petitioner a FAPE by not offering Petitioner appropriate Occupational Therapy services?

Issue #3: During the 2022-2023 school year, including ESY, did the Respondent fail to offer Petitioner a FAPE by not offering Petitioner appropriate Speech and Language services?

Here Student has alleged adequate information for Palo Alto to prepare for resolution session, mediation or hearing. Therefore, the three issues pled are sufficient.

Palo Alto also challenges the adequacy of Student's proposed resolutions. 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 resolution stated in Student's complaint is sufficiently described to meet the statutory standard regarding proposed resolutions.

## 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.

*Penelope Pahl*

Penelope S. Pahl
Administrative Law Judge
Office of Administrative Hearings