BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. LOS ANGELES UNIFIED SCHOOL DISTRICT AND GRANADA HILLS CHARTER HIGH SCHOOL.	OAH CASE NO. 2014020774 ORDER DETERMING COMPLAINT INSUFFICIENT AS TO GRANADA HILLS CHARTER HIGH SCHOOL

On February 24, 2014, Parents on behalf Student filed a due process hearing request[1] (complaint) naming the Los Angeles Unified School District (District) and Granada Hills Charter High School (Charter).

On March 3, 2014, Charter filed a timely 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

[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).

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]

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 is insufficiently pled because it fails to provide Charter with the required notice of a description of the problem and the facts relating to the problem. Student's complaint alleges no facts. The body of the form complaint consists of a series of questions, followed by "yes" or "no" responses as proposed resolutions. The fill-in-the-blank information section of the form is similarly vague, as although it indicates that Student attends Charter and is a resident of District, it confusingly states "grade uncertain."

Student's complaint queries at Issue 1 whether the respondents should have assessed Student for "transition and academic achievement" and makes reference to the time period of December 2013. However, it does not allege where or when Student attended school during that period, whether she was eligible for special education at that time, and if so, what manifestation of her disability or insufficiency in her individualized program should have prompted additional assessment by Charter.

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[4] See, H.R.Rep. No. 108-77, 1st Sess. (2003), p. 115; Sen. Rep. No. 108-185, 1st Sess. (2003), pp. 34-35.

[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).

Student's complaint at Issue 2 asks whether the respondents provided Student with an appropriate program, but does not allege facts regarding the program or programs provided, when they were provided, by whom they were provided, or how these programs allegedly failed to meet Student's unique needs.

Student's Issues 3, 4 and 5 are no more than requests for remedies (compensatory services, private school placement and services and reimbursement), and provide no facts regarding alleged action or inaction by the respondents.

For the reasons stated above, Student's complaint is vague and confusing, and fails to provide Charter with sufficient information to know how to prepare for the hearing and how to participate in resolution sessions and mediation.

ORDER

1. Student's complaint is insufficiently pled under section Title 20 United States Code 1415(c)(2)(D) as to Granada Hills Charter High School.

2. Student shall be permitted to file an amended complaint under Title 20 United States Code section 1415(c)(2)(E)(i)(II).[8]

3. The amended complaint shall comply with the requirements of Title 20 United States Code section 1415(b)(7)(A)(ii), and shall be filed not later than 14 days from the date of this order.

4. If Student fails to file a timely amended complaint, Granada Hills Charter High School will be dismissed as a party to Student's complaint, and the hearing shall proceed as to Los Angeles Unified School District only.

5. All dates previously set in this matter are confirmed as to the Los Angeles Unified School District only.

DATE: March 4, 2014

/s/
ALEXA J. HOHENSEE
Administrative Law Judge
Office of Administrative Hearings

[8] The filing of an amended complaint will restart the applicable timelines for a due process hearing.