BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

ORANGE UNIFIED SCHOOL DISTRICT AND SANTIAGO CHARTER MIDDLE SCHOOL.

OAH CASE NUMBER 2024090993

ORDER DETERMINING DUE PROCESS COMPLAINT SUFFICIENT

OCTOBER 10, 2024

On September 26, 2024, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Orange Unified School District, El Dorado County Charter SELPA, and Santiago Charter Middle School. On October 4, 2024, El Dorado County Charter SELPA was dismissed as a party. On October 9, 2024, Orange Unified School District 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

Student's complaint is sufficient. Student's complaint identifies the issues and adequate facts about the problem to permit Orange Unified to respond and participate in a resolution session and mediation.

Orange Unified argues Student's complaint should be dismissed in its entirety because his complaint fails to provide a required description as to how the allegations relate to Student and his denial of a free appropriate public education. Further, Orange Unified argues the failure of Student to distinguish which of the ten allegations are against Orange Unified and which are against Santiago Charter is a fatal error.

Student's complaint identified the time period at issue and listed ten areas where he alleges he was denied a free appropriate public education. For example, Student's first issue claims Student was denied a FAPE because the District failed to offer him appropriate academic instruction to address his deficits in English language arts and math. Given the liberal pleading standards demanded by the IDEA, Student's presentation of the claim is sufficient to give Orange Unified "an awareness and understanding of the issues forming the basis of the complaint."

As to Orange Unified's argument that Student's failure to delineate which local education agency was responsible for providing a FAPE during the time period at issue is not fatal to his complaint. Student carries the burden of proof in this due process hearing. Orange Unified is certainly free to avail itself of this defense should the matter proceed to due process hearing; however, the failure to delineate which LEA was responsible for providing a FAPE does not preclude Orange Unified and Santiago

Charter from responding to Student's complaint and participating in mediation. Both Orange Unified and Santiago Charter responded to Student's complaint on October 4, 2024.

Orange Unified also asserts in a footnote that it is not the proper party to claims arising from the October 30, 2023, IEP. A notice of insufficiency is not the appropriate mechanisms to address that allegation.

Therefore, Student's complaint is sufficient.

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.

IT IS SO ORDERED.

Tiffany Gilmartin

Tiffany Gilmartin
Administrative Law Judge
Office of Administrative Hearings