BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2020110381

ORDER DETERMINING DUE PROCESS COMPLAINT SUFFICIENT

DECEMBER 1, 2020

On November 16, 2020, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, called OAH, naming Los Angeles Unified School District. On November 30, 2020, Los Angeles filed a Notice of Insufficiency as to the complaint.

APPLICABLE LAW

Parties named in due process complaints have the right to challenge the complaint's sufficiency. (20 U.S.C. § 1415(c)(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: (1) describes the problem relating to a proposed or refused change to a student's identification, evaluation, or educational placement, or the provision of a free appropriate public education to the student; (2) includes facts about the problem; and (3) includes a proposed resolution of the problem to the extent known and available to the party at the time. (20 U.S.C. § 1415(b)(7)(A).) 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 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.* (3rd 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

Los Angeles argues the facts in the complaint are not specific enough for it to understand the issues, and that the issues are not clear. Los Angeles's arguments are not persuasive. Student's 34-page complaint contains six issues that allege Los Angeles failed to offer Student a free appropriate public education, referred to as FAPE, from the 2015-2016 school year, through the 2020-2021 school year. There are several sub-issues alleged within each issue that further describe the alleged denial of FAPE. The complaint also contains multiple pages of facts relating to Student's educational history, including Student's history with Los Angeles. Finally, the complaint contains several proposed resolutions related to the issues alleged.

Student's complaint contains enough information for Los Angeles to understand the alleged issues and to prepare for, and participate in, a resolution session, mediation, or due process hearing. 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. The prehearing conference and due process hearing remain as scheduled.

Tara Doss

Tara Doss

Administrative Law Judge

Office of Administrative Hearings