BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENTS ON BEHALF OF STUDENT,	OAH Case No. 2019060216
v.	
WILLIAM S. HART UNION HIGH SCHOOL DISTRICT AND SANTA CLARITA VALLEY SPECIAL EDUCATION LOCAL PLAN AREA.	ORDER OF DETERMINATION OF SUFFICIENCY OF DUE PROCESS COMPLAINT

On June 5, 2019, Parents on behalf of Student filed a Due Process Hearing Request, also referred to as a complaint, with the Office of Administrative Hearings naming William S. Hart Union High School District and Santa Clarita Valley Special Education Local Plan Area. On June 20, 2019, William S. Hart Union filed a timely Notice of Insufficiency as to Student's complaint.

APPLICABLE LAW

A request for a due process hearing under Education Code section 56502 is the due process complaint notice required under title 20 U.S.C. section 1415(b)(7)(A). The named parties to a due process hearing request have the right to challenge the sufficiency of the complaint. (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 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 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. (20 U.S.C. § 1415(b)(7)(A)(ii)(III) & (IV).)

These requirements prevent vague and confusing complaints, and promote fairness. A sufficient complaint provides the named parties with enough 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 alleges William S. Hart Union and Santa Clarita Valley SELPA failed to offer an individualized education program that met Student's individual and unique needs from June 5, 2017, to the filing of the complaint. Student contends that alleged deficiencies in her educational programs deprived her of educational opportunities and services. William S. Hart Union contends the complaint is vague and fails to describe with sufficient specificity which respondent is responsible for which alleged violation, how the respondent failed to meets its obligation, and which IEP is deficient and how.

Student's complaint describes, among other things, alleged failures in Student's IEP to address her reading difficulties and the absence of occupational therapy services. The complaint also describes alleged failures on the part of respondents to allow her to stand or walk as called for in her IEP. The complaint also claims the respondents should have, but failed to replace her individual aide.

The complaint provides an adequate description of the alleged violations to provide William S. Hart Union and Santa Clarita Valley SELPA with an awareness and understanding of the issues forming the basis of the complaint against them. In construing the complaint liberally, it describes with enough information the alleged violations to allow the respondents to defend themselves at hearing. Accordingly, the complaint is sufficient.

Student's proposed resolutions requests William S. Hart Union and Santa Clarita Valley SELPA provide Student with compensatory educational services in the areas of

speech, occupational therapy, physical therapy, and academics. Student further requests a new individual aide be assigned to her, and that she be assessed in the areas of speech, physical therapy, and occupational therapy. In addition, Student seeks funding to attend Imago Dei School and for respondents to provide academic tutoring during the school year and extended school year. Furthermore, Student requests that respondents reimburse Parents for costs associated with transportation, services, programs, therapies, and assessments. 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 sufficiently defined and meet the statutorily required standard of stating a resolution to the extent known and available to Student 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.

DATE: June 21, 2019

DocuSigned by:
Rommel P. Cruz
2ABEBDA0DF98475

ROMMEL P. CRUZ
Administrative Law Judge
Office of Administrative Hearings