BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

HORIZON CHARTER SCHOOLS AND ROCKLIN UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2019060916

ORDER OF DETERMINATION OF SUFFICIENCY OF DUE PROCESS COMPLAINT

On July 18, 2019, Parents on behalf of Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Horizon Charter Schools and Rocklin Unified School District. On August 2, 2019, Rocklin Unified filed a Notice of Insufficiency as to Student's complaint, challenging the sufficiency of Issue 3 of 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).) A free appropriate public education is commonly referred to as a FAPE. 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

Issue 3 of Student's complaint contends that Rocklin Unified denied Student a FAPE during the 2018-2019 school year by failing to offer an appropriate individualized education program, also known as an IEP, with adequate and appropriate academic instruction, goals in all areas of need, and assistive technology services and supports. Student alleges that Rocklin Unified failed to respond to Parents request to convene an IEP team meeting and to amend Student's IEP prior to the start of the 2018-2019 school year to address Student's needs related to his dyslexia. Paragraph 39 of the complaint discusses the goals and services that Student claims he was entitled to and Rocklin Unified failed to provide. The complaint notes that Student enrolled in Horizon Charter on August 17, 2018.

Rocklin Unified attached a declaration by Rocklin Unified's Director of Special Education and Support Program, Stacy Barsdale, in support of its Notice of Insufficiency. Ms. Barsdale declares that Student disenrolled from Rocklin Unified on June 7, 2018, and did not attend Rocklin Unified during the 2018-2019 school year. Rocklin Unified contends the complaint lacks enough information related to Issue 3 to provide Rocklin Unified with an understanding as to how it denied Student a FAPE if Student was enrolled at Horizon Charter for the 2018-2019 school years and did not attend class at Rocklin Unified at any time that school year.

In construing the complaint liberally, the facts alleged in Student's complaint as it relates to Issue 3 are sufficient. Issue 3 of the complaint identifies the 2018-2019 school as the period of the alleged violations. The complaint provides enough information to provide Rocklin Unified with an awareness and understanding as to what Student is alleging Rocklin Unified was obligated to provide and failed to do for the 2018-2019 school year. Whether Student will meet his burden in proving Rocklin Unified was

obligated to provide Student a FAPE during the 2018-2019 school year and whether it committed the alleged violations as claimed in Issue 3, is to be determined at hearing. Therefore, the complaint's Issue 3 is sufficient.

ORDER

1. Issue 3 of Student's complaint is sufficient under title 20 United States Code section 1415(b)(7)(A)(ii).
2. All prehearing conference and hearing dates in this matter are confirmed.

DATED: August 5, 2019

DocuSigned by:
Rommel P. Cruz
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Rommel P. Cruz
Administrative Law Judge
Office of Administrative Hearings