BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

EAST SIDE UNION HIGH SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2025010165

ORDER DETERMINING DUE PROCESS COMPLAINT SUFFICIENT

JANUARY 22, 2025

On January 8, 2025, East Side Union High School District filed a Due Process Hearing Request, also called a complaint, with the Office of Administrative Hearings, called OAH, naming Parents on behalf of Student as respondent. On January 22, 2025, Student 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 party has the right to file a notice asserting a complaint is insufficient within 15 days of receiving a request for due process hearing. (20 U.S.C. § 1415 (c)(2)(C); Ed. Code § 56502, subd. ((d)(1).) 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 Individuals with Disabilities Education Act, or 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.] 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 46541, 46699.)

East Side Union High School District has stated sufficient claims in its request for due process hearing. East Side's complaint identifies the issues and adequate facts about the problem to permit Student to respond.

Student asserts that the complaint does not state how the District's proposed offer of FAPE supports Student's unique educational needs, including behavior and mental health needs. Minimal pleading standards apply to requests for due process pursuant to the Individuals with Disabilities Education Act. (*Schaffer ex rel. Schaffer v. Weast*, (2005) 546 U.S. 49, 54 [126 S.Ct. 528, 163 L.Ed.2d 387].) Here, the complaint states adequate information to inform Student of East Side's issues and requests for OAH orders. As pled, the complaint allows Student to prepare for resolution session, mediation or hearing. Student offers no legal authority mandating that East Side allege all facts in their complaint detailing how the proposed IEP meets FAPE and IDEA requirements for the complaint to be sufficient. Nor does Student specify the facts they believe are missing.

Student also asserts that a functional behavior assessment "necessary to put effective interventions in place" has not been completed. However, a Student's claim that needed assessments have not been completed, does not render a District's request for due process to establish an IEP offer meets legal standards, insufficient.

Finally, Student asserts that several factual statements in East Side's complaint are incorrect or inaccurate. Student will have the opportunity to raise relevant defenses to the factual statements of the complaint at the hearing.

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.

Penelope Pahl

Penelope S. Pahl
Administrative Law Judge
Office of Administrative Hearings