BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL DISTRICT, ASPIRE CENTENNIAL COLLEGE PREPARATORY ACADEMY, AND ALLIANCE COLLINS FAMILY COLLEGE-READY HIGH.

OAH CASE NUMBER 2024020067

# ORDER FINDING ISSUE 1 SUFFICIENT, AND ISSUES 2 AND 3 INSUFFICIENT, AS TO ALLIANCE COLLINS FAMILY COLLEGE-READY HIGH

FEBRUARY 8, 2024

On February 1, 2024, Parent on behalf of Student filed a due process hearing request, called a complaint, with the Office of Administrative Hearings, referred to as OAH. The complaint named Los Angeles Unified School District, called Los Angeles, Aspire Centennial College Preparatory Academy, called Aspire, and Alliance Collins

Family College-Ready High, called Alliance. On February 8, 2024, Alliance filed a notice of insufficiency as to the complaint.

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, called a FAPE; (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, and 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.)

Here, Student's complaint alleges, as to Alliance, that he attended Alliance for ninth grade during the 2022-2023 school year but was reading at the first grade level. It alleges that Alliance denied Student a FAPE in the June 5, 2023, individualized education program, or IEP, by reducing his specialized academic instruction in the area of literacy and only writing one goal for reading. Student's complaint alleges three claims against Alliance, some of which are sufficient and some which are insufficient. The issues are discussed below.

At Issue 1, the complaint alleges that Los Angeles, Aspire, and Alliance denied Student a FAPE by offering insufficient special education and related services in the IEPs from March 19, 2015, through October 27, 2023. Alliance is alleged to have offered insufficient reading services and goals in the June 5, 2023, IEP. Student's Issue 1 alleges sufficient facts providing an awareness and understanding of the issues forming the basis of the claim against Alliance.

At Issue 2a, Student's complaint alleges that Los Angeles, Aspire, and Alliance denied Student a FAPE by failing to assess Student in all areas of suspected disability, specifically autism. However, elsewhere in the complaint it also alleges that Student was assessed for autism and found eligible for special education under the category of autism in February 2018, before enrolling in Alliance. Even though Student alleges that independent educational evaluations of Student were conducted during the 2022-2023 school year, the complaint does not allege any facts about a lack of assessment by Alliance. Student alleges insufficient facts to provide an awareness or understanding of Issue 2a as to Alliance.

At Issue 2b, Student alleges that Los Angeles, Aspire, and Alliance denied him a FAPE by failing to make clear written offers of FAPE, specifically by offering services in the IEPs on a frequency band of one to five days per week. However, the complaint

alleges only that Los Angeles offered services on a frequency band. Student alleges insufficient facts to provide an awareness or understanding of Issue 2b as to Alliance.

Issue 3 is not a claim, but a general allegation of facts by Student seeking an exception to the two-year statute of limitations. The only claim against Alliance supported by facts is Issue 1, that the June 5, 2023, IEP did not offer a FAPE, which is well within two years of the filing of Student's complaint on February 1, 2024. Both because Issue 3 is not a claim, and because it is moot with regard to the only sufficiently alleged claim against Alliance, Issue 3 insufficiently alleges a claim against Alliance.

Student's complaint identifies the issue and adequate facts about the problem at Issue 1 to permit Alliance to respond and participate in a resolution session and mediation as to that issue. The complaint fails to provide Alliance with the required problem description and the facts relating to Issues 2 and 3.

Therefore, Student's statement of Issue 1 is sufficient, and the statement of Issues 2 and 3 are insufficient.

Alliance also challenges the resolutions alleged as confusing, because remedies are sought for denials of FAPE from 2013 forward. 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).) Student seeks compensatory education and reimbursement to Parent's for educationally related expenses against each school district or charter that denied him a FAPE. These are common forms of relief awarded for denials of FAPE. There is nothing confusing about Student's proposed resolutions.

## ORDER

1. Issue 1 of Student's complaint is sufficient as to Alliance under title 20 United States Code section 1415(b)(7)(A)(ii).
2. Issues 2 and 3 of Student's complaint are insufficiently pled against Alliance under title 20 United States Code section 1415(c)(2)(D).
3. Student will be permitted to file an amended complaint under title 20 United States Code section 1415(c)(2)(E)(i)(II).
4. The amended complaint must comply with the requirements of title 20 United States Code section 1415(b)(7)(A)(ii), and shall be filed not later than 14 days from the date of this order. The filing of an amended complaint will restart the applicable timelines for a due process hearing.
5. If Student fails to file a timely amended complaint, the hearing shall proceed as to Alliance only on Issue 1.

*Alexa Hohensee*

Alexa Hohensee
Administrative Law Judge
Office of Administrative Hearings