BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. RIVER SPRINGS CHARTER SCHOOL.	OAH Case No. 2018030332 ORDER FINDING COMPLAINT SUFFICIENT

On March 7, 2018, Student filed a Due Process Hearing Request[1] with the Office of Administrative Hearings naming River Springs Charter School, among others. On March 20, 2018, River Springs timely filed a Notice of Insufficiency and Motion to Dismiss based upon a statute of limitations defense as to Student's complaint. This order addresses only River Springs' Notice of Insufficiency. River Springs' motion to dismiss will be addressed in a separate order.

APPLICABLE LAW

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 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.)

[1] 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 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 initially named three respondents, including River Springs. Student has since dismissed the other two respondents. He alleges that he is eligible for special education under the categories of specific learning disability and other health impairment. Student claims he was found eligible for special education in 2014. He enrolled at River Springs for the 2015-2016 school year. Student claims River Springs provided him with a "haphazard" education "since that time." Student alleges he regressed in all academic areas, had failing achievement scores, and failed to meet any goals, including occupational therapy and speech goals. Student also asserts that, although he has consistently regressed, he was never provided with extended school year services.

Student's complaint expressly identifies two issues. Both issues are supported by several pages of facts. Student generally asserts that River Springs denied Student a free appropriate public education by failing to conduct appropriate assessments, including an appropriate triennial assessment in all areas of need, and by failing to provide appropriate placement, supports, goals and related services to allow Student to obtain measurable educational benefit. The claim includes proposed resolutions, including non-public school, assessments, occupational therapy and speech and language services, compensatory education, and reimbursement to Parents for educationally related expenses.

The more than 20 pages of facts are sufficient to put River Springs on notice of the issues forming the basis of the complaint. Student's complaint sufficiently identifies the issues and adequate related facts about the problem to permit River Springs to respond to the complaint, which it has done, and participate in a resolution session and mediation. Therefore, Student statement of claims and proposed resolutions are sufficient.

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.

DATE: March 22, 2018

DocuSigned by:
Adrienne L. Krikorian
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ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings