BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

EPIC CHARTER SCHOOL,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2023120474

ORDER FINDING COMPLAINT SUFFICIENTLY PLEADED

DECEMBER 21, 2023

On December 12, 2023, Epic Charter School filed a due process hearing request, called a complaint, with the Office of Administrative Hearings, naming Parents on behalf of Student. The Office of Administrative Hearings is called OAH.

On December 19, 2023, Student 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.)

The facts alleged in Epic Charter School's complaint are sufficient. Epic Charter School alleges that Student's latest individualized education program, or IEP, was developed at IEP team meetings on March 7, 2023, June 6, 2023, and October 5, 2023, and details of each meeting are stated. Epic Charter School alleges the October 5, 2023 IEP offered Student a FAPE, but Parents did not sign the IEP until November 15, 2023, and included exceptions in their consent. The complaint states one claim, that the October 5, 2023 IEP offered Student a FAPE, and Epic Charter School seeks permission to implement the October 5, 2023 IEP without the limitations imposed by Parents.

Student contends he needs more information to fully comprehend the claim in the complaint. Student seeks more dates, more details as to the IEP team meetings, and

more information on the content of the FAPE offer in the October 5, 2023 IEP sought to be implemented.

Epic Charter School's complaint identifies the issues and adequate facts about the problem to permit Student to respond. The parties may request a mediation to discuss the details of the complaint further and attempt to resolve the dispute, if they choose.

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 resolution stated in Epic Charter School's complaint is well defined as permission to implement the October 5, 2023 IEP without the limitations imposed by Parents.

Therefore, Epic Charter School's statement of the sole claim in the complaint is sufficient under title 20 United States Code section 1415(b)(7)(A)(ii). All mediation, prehearing conference, and hearing dates in this matter are confirmed.

Alexa Hohensee

Alexa Hohensee
Administrative Law Judge
Office of Administrative Hearings