BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

SACRAMENTO CITY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2022070410

ORDER FINDING DUE PROCESS COMPLAINT SUFFICIENT

JULY 25, 2022

On July 15, 2022, 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 Sacramento City Unified School District. On July 22, 2022, Sacramento 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.)

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 alleges that Sacramento denied her a FAPE by failing to offer appropriate supports during before and after distance learning during the Covid school closures in the 2020-2021, 2021-2022 and 2022-2023 school years. In particular, Student alleges that Sacramento failed, and continues to fail, to offer appropriate assistive technology, specialized academic instruction, and other services and accommodations to access the curriculum and her peers despite often being home bound and needing assistance to transition back to in-person learning. Student also alleges that Sacramento denied Student a FAPE by impeding Parent's meaningful participation in developing Student's

individualized education program, or IEP, during the 2020-2021 and 2021-2022 school years, essentially by disregarding Parent's input.

As remedies, Student seeks compensatory education for lost educational opportunity, and prospective services going forward incorporated into her IEP.

The facts alleged in Student's complaint are sufficient. Student alleges background facts as early as the 2018-2019 school year, but the two claims are limited to a period within the two year statute of limitation to the 2020-2021, 2021-2022, and 2022-2023 school years. Sacramento seeks greater detail on specific acts and times for each alleged wrong, and the specific types of compensatory education and prospective services sought, but Student has identified the issues and pled adequate facts about the problem to permit Sacramento to respond and participate in a resolution session and mediation.

Therefore, Student's statement of the two claims is sufficient.

The proposed resolutions stated in Student's complaint are also sufficiently well-defined, and meet the statutorily required standard regarding proposed resolutions.

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.

Alexa Hohensee

Alexa Hohensee
Administrative Law Judge
Office of Administrative Hearings