BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. SOLANO COUNTY OFFICE OF EDUCATION.	OAH Case No. 2017120238 DETERMINATION OF SUFFICIENCY OF DUE PROCESS COMPLAINT

On December 5, 2017, Student filed a Due Process Hearing Request with the Office of Administrative Hearings. Student's complaint did not name a particular party but included an address for the party to be named. On December 7, 2017, OAH issued a scheduling order that incorrectly identified Fairfield-Suisun Unified School District as the responding party. On December 13, 2017, OAH issued an amended scheduling order, correctly identifying Solano County Office of Education as the responding party. On December 18, 2017, Solano County filed a Notice of Insufficiency as to Student's complaint.

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.)

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 alleges Solano County impeded Student from receiving a FAPE from August 28, 2015 to the present. Specifically, the complaint alleges Solano County did not provide Student with a sign language interpreter or real-time captioning in the classroom. The complaint further alleges Student was alienated in the classroom due to behavior and was not included in community-based field trips. Finally, the complaint alleges Solano County did not allow Parent participation in Student's educational program. To resolve the issues, Student seeks an American Sign Language afterschool program, tutoring, transportation reimbursement, and a home-to-school communication system.

Student's complaint contains a description of the problems relating to the provision of FAPE to Student, facts relating to the problems, and proposed resolutions of the problems. Moreover, the complaint contains sufficient information to allow Solano County to prepare for and participate in a resolution session, mediation, and due process hearing. Therefore, Student's complaint is sufficient.

ORDER

1. Student's 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: December 20, 2017

DocuSigned by:
Tara Doss
0D223C0D8032412...

TARA DOSS
Administrative Law Judge
Office of Administrative Hearings