BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

ANTELOPE VALLEY UNION HIGH SCHOOL DISTRICT AND LANCASTER SCHOOL DISTRICT.

OAH CASE NUMBER 2024020720

ORDER DETERMINING DUE PROCESS COMPLAINT SUFFICIENT

MARCH 28, 2024

On February 22, 2024, Student filed a due process hearing request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Antelope Valley Union High School District, called Antelope Valley.

On March 7, 2024, Student filed a first amended complaint, naming Antelope Valley and Lancaster School District, called Lancaster. OAH determined the first amended complaint filed on March 13, 2024.

On March 26, 2024, Antelope Valley filed a notice of insufficiency as to the first amended complaint.

APPLICABLE LAW

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; (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. (*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 46540-46541, 46699.)

DISCUSSION

Antelope Valley generally asserts that Student's first amended complaint contains "inconsistent and contradictory" factual statements, "making the issues difficult to understand." Antelope Valley's primary complaint is that Student alleges claims against both Lancaster and Antelope Valley for the same periods of time and some of the same alleged denials of a free appropriate public education, called a FAPE.

Antelope Valley further asserts that Lancaster is a feeder elementary school district for Antelope Valley, and that Student attended Lancaster prior to his matriculation into Antelope Valley at the beginning of the 2023-2024 school year. Student's first amended complaint inconsistently alleges that Student matriculated to Antelope Valley during the 2022-2023 school year and at the beginning of the 2023-2024 school year. This Order makes no findings as to which school district was the responsible local educational agency for Student at any time.

While Student's first amended complaint is not a model of clarity, the facts alleged in Student's first amended complaint are sufficient. Student's first amended complaint identifies the issues and adequate facts about the problem to permit Antelope Valley to respond and participate in a resolution session, mediation, and due process hearing.

For example, Antelope Valley's notice of insufficiency specifically highlights Student's issues numbered 1, 5, 6, 7, 9, and 10. To each of those issues, Antelope Valley alleges that Student's first amended complaint is insufficient because Antelope Valley could not be responsible for the denials of FAPE when Student attended Lancaster during the relevant school year. Antelope Valley's arguments demonstrate that it has a sufficient understanding of the claims asserted by Student and can prepare defenses to them. The remainder of Antelope Valley's objections to Student's first amended complaint are matters of proof for the due process hearing.

Therefore, Student's first amended complaint is sufficient.

ORDER

1. The complaint is sufficient under title 20 United States Code section 1415(b)(7)(A)(ii).
2. All prehearing conference and hearing dates in this matter are confirmed.

IT IS SO ORDERED.

Ashok Pathi

Ashok Pathi
Administrative Law Judge
Office of Administrative Hearings