BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

LIFE SOURCE INTERNATIONAL CHARTER SCHOOL, LANCASTER SCHOOL DISTRICT, AND EL DORADO COUNTY CHARTER SPECIAL EDUCATION LOCAL PLAN AREA.

OAH CASE NUMBER 2021020256

ORDER OF DETERMINATION OF INSUFFICIENCY OF DUE PROCESS COMPLAINT

FEBRUARY 22, 2021

On February 4, 2021, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Life Source International Charter School, Lancaster School District, and El Dorado County Charter Special Education Local Plan Area. A Special Education Local Plan Area is referred to as a SELPA. On February 19, 2021, El Dorado filed a Notice of Insufficiency as to the 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 46,540-46541, 46699.)

Special education due process hearing procedures extend to the parent or guardian, to the student in certain circumstances, and to "the public agency involved in any decision regarding a pupil." (Ed. Code, § 56501, subd. (a).) A "public agency" is defined as "a school district, county office of education, special education local plan area, . . . or any other public agency . . . providing special education or related services to individuals with exceptional needs." (Ed. Code, §§ 56500 and 56028.5.)

DISCUSSION

Student alleges 3 issues in his complaint:

Issue 1: "At all times between February 4, 2019 and the present, Charter has provided [Student] with a minimal program of special education supports and services which failed to address his full range of disability-related deficits, thereby denying him FAPE and creating substantial compensatory obligations on the part of the Charter."

Issue 2: "Charter has failed to fully and effectively assess [Student's] disability related learning needs. This failure has contributed to Charter's failure to address his unique learning challenges and provide him with meaningful remediation of his deficits in core academic skills."

Issue 3: "The careless and unprofessional actions of Charter personnel in engaging in a discussion of [Student's] academic performance and disability-related challenges in a setting where his entire class could hear them denied [Student] equal access to a public education in violation of state and federal anti-discrimination statutes."

In a section of his complaint entitled "Legal Standard and Jurisdiction" Student alleges that El Dorado is a SELPA created for charter schools that do not wish to be part of a SELPA organized by their chartering agency. Student alleges that El Dorado holds itself out as partnering with charter schools to provide program support, business office support and professional learning for its members schools for purposes of special education. Student asserts that all forms and documents used by Life Source International Charter were developed and managed by El Dorado. As such, Student alleges that El Dorado was responsible for providing Student a FAPE, individually, and collectively with Life Source International Charter and Lancaster School District.

However, Student does not raise any specific allegations against El Dorado in the section of his complaint entitled "Relevant Facts." Similarly, Student's issue 1, 2, and 3 are explicitly framed as being solely against Life Source International Charter. Student has not raised any specific facts or issues related to El Dorado. As such, Student's complaint alleges three insufficiently pled claims as to El Dorado.

ORDER

1. Student's complaint is insufficiently pled as to El Dorado under section title 20 United States Code 1415(c)(2)(D).
2. Student shall be permitted to file an amended complaint under title 20 United States Code section 1415(c)(2)(E)(i)(II).
3. The amended complaint shall comply with the requirements of title 20 U.S.C. section 1415(b)(7)(A)(ii), and shall be filed not later than 14 days from the date of this order.
4. If Student fails to file a timely amended complaint, the complaint will be dismissed as to El Dorado.

5. The matter will proceed as scheduled as to Life Source International Charter and Lancaster School District.

IT IS SO ORDERED.

Cararea Lucier

Cararea Lucier
Administrative Law Judge
Office of Administrative Hearings