BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. RIVER SPRINGS CHARTER SCHOOL.	OAH Case No. 2019030904 ORDER DETERMINING DUE PROCESS COMPLAINT SUFFICIENT

On March 22, 2019, Parent on behalf of Student filed a Due Process Hearing Request with the Office of Administrative Hearings. On April 25, 2019, Parent on behalf of Student filed a Third Amended Due Process Hearing Request naming River Springs Charter Schools.[1] On April 26, 2019, OAH granted the motion to amend and deemed the Third Amended Complaint (complaint) filed on that date. On May 10, 2019, River Springs 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.)

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[1] A request for a due process hearing under Education Code section 56502 is the due process complaint notice required under title 20 U.S.C. section 1415(b)(7)(A). Student's complaint is titled "2ND Amended Complaint", but is actually the Third Amended Complaint

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

The complaint alleges that River Springs failed to provide Student with compensatory education services and that Parents relied upon communications from River Springs' Director of Special Education, Kathy Cox, in expecting those services. The complaint further alleges that Parents became aware that River Springs would not provide compensatory education until after Student left the River Springs district in June of 2017.

In light of the liberal pleading standards applicable to IDEA due process complaints all that is required is a description of the nature of the problem and facts relating to the problem. Student adequately pleads that she did not learn of River Springs misrepresentations until after she left the district. Student's complaint identifies the issues, adequate related facts about the problems, and specific resolutions to permit River Springs to respond to the complaint and participate in a resolution session, mediation or a due process hearing.

ORDER

1. Student's complaint is sufficiently pled under section title 20 United States Code section 1415(b)(7)(A)(ii) as to Springs Charter Schools.

2. All mediation, prehearing conference, and hearing dates in this matter are confirmed.

DATE: May 14, 2019

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BRIAN H. KRIKORIAN
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Administrative Law Judge
Office of Administrative Hearings