BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. CHARTER OAK UNIFIED SCHOOL DISTRICT.	OAH Case No. 2019051197 ORDER DETERMINING COMPLAINT SUFFICIENT

On May 29, 2019, Parent on behalf of Student filed a Due Process Hearing Request[1] (complaint) with the Office of Administrative Hearings naming Charter Oak Unified School District. On June 10, 2019, Charter Oak Unified timely 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,

[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).

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 alleges that he resides within the Los Angeles County Office of Education – Juvenile Hall and that his grandmother is Student's educational rights holder (Parent). Student's educational rights holder is alleged to reside within Charter Oak Unified's boundaries and has filed the complaint on Student's behalf. The facts alleged in Student's complaint are sufficient to put Charter Oak Unified on notice of the issues forming the jurisdictional basis of the complaint.

Student's complaint contains four issues. Issue No. 1 seeks a resolution as to whether Charter Oak Unified denied Student a free appropriate public education from May 30, 2017, to the present. Issue Nos. 2 and 3 seek a resolution as to whether Charter Oak Unified adequately assessed Student as requested in April 2017 and are related to the May 30, 2017, individualized educational program meeting, where Charter Oak Unified denied Student a FAPE. Issue No. 4 seeks resolution as to whether Charter Oak Unified denied Parent and Student's counsel the ability to review records in May of 2019. The facts alleged in Student's complaint sufficiently plead that the acts complained of fell within the two-year statute of limitations. Any dispute over those allegations is a question of fact to be determined at the time of hearing.

Student's complaint identifies the issues and adequate related facts about the problem to permit Charter Oak Unified to respond to the complaint and participate in a resolution session, mediation, and hearing. Therefore, Student's complaint is sufficient.

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.

DATE: June 14, 2019

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BRIAN H. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings