BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

SAN JOSE UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2020040430

ORDER DETERMINING DUE PROCESS COMPLAINT SUFFICIENT

APRIL 30, 2020

On April 14, 2020, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, naming San Jose Unified School District. On April 28, 2020, San Jose 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 includes: (1) the name of the child, the address of the child's residence, and the name of the child's school of attendance; (2) a description of the problem related to the proposed initiation or change regarding the Student's identification, evaluation, or educational placement, or the provision of a free appropriate public education; (3) facts related to the problem; and (4) a proposed resolution to the extent known and available to the party at the time. (20 U.S.C. §§ 1415(b)(6)(A), and (7)(A)(ii).) 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 includes the name of the Student, Student's home address, and the name of the school Student attends. The complaint includes four problems or issues, with several sub-issues to each problem. The complaint includes approximately 13 pages of detailed facts related to the stated problems. Finally, the complaint includes several proposed resolutions to the problems.

The complaint includes enough information to provide San Jose with an awareness of the issues forming the basis of the complaint. Thus, there is enough information in the complaint to allow San Jose to prepare for hearing, and participate in a resolution session and mediation.

Therefore, Student's complaint is sufficient.

ORDER

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

DocuSigned by:
Tara Doss
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Tara Doss

Administrative Law Judge

Office of Administrative Hearings