BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. LOS ANGELES UNIFIED SCHOOL DISTRICT, OCEAN CHARTER SCHOOL, AND INSPIRE CHARTER SCHOOL.	OAH Case No. 2017120427 DETERMINATION OF SUFFICIENCY OF DUE PROCESS COMPLAINT

On December 11, 2017, Student filed a Due Process Hearing Request with the Office of Administrative Hearings, naming Los Angeles Unified School District, Ocean Charter School, and Inspire Charter School. On December 21, 2017, Inspire 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, *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 alleges three issues. Issue One alleges Ocean failed to provide Student a FAPE during the 2015-2016 school year. In support of this issue, Student alleges Ocean did not provide adequate academic work to Student and instead allowed him to sit in the office or perform non-academic tasks. Student also alleges Ocean denied Parent's requests for assistive technology, modified homework, and an iPad. Issue Two alleges Inspire and District failed to provide Student a FAPE during the 2016-2017 school year. In support of this issue, Student alleges he did not receive occupational therapy or counseling. Issue Three alleges District failed in its child find duties during the 2017-2018 school year, and also failed to enroll Student in school. In support of this issue, Student alleges District did not develop a transition plan to reintegrate Student on a comprehensive campus, which delayed Student's enrollment. Student also alleges District denied Parent's request for assessment, pending a 30-day IEP. For proposed resolutions, Student seeks funding for Fusion Academy through the 2019-2020 school year, from all responding parties; and compensatory occupational therapy and counseling from Inspire.

Student's complaint includes a description of the problems relating to the proposed initiation or change concerning the identification, evaluation, educational placement, or provision of a FAPE to Student. The complaint also includes facts and proposed resolutions relating to those problems. As such, Student's complaint provides the responding parties with sufficient information to know how to prepare for and participate in a resolution session, mediation, and due process hearing.

Therefore, Student's complaint is sufficient.

ORDER

1. Student's 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 shall proceed as scheduled.

DATE: December 22, 2017

DocuSigned by:
Tara Doss
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TARA DOSS
Administrative Law Judge
Office of Administrative Hearings