BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

ROSEVILLE CITY SCHOOL DISTRICT.

OAH CASE NUMBER 2022020915

ORDER FINDING COMPLAINT SUFFICIENT

MARCH 14, 2022

On February 28, 2022, Parents on behalf of Student filed a due process hearing request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Roseville City School District. On March 11, 2022, Roseville filed a timely notice of insufficiency as to the complaint.

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 authorize, and 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.)

The facts alleged in Student's complaint are sufficient. Student alleges that he has autism, but despite the supports identified in Student's individualized education programs, or IEPs, Roseville reduced or stopped providing Student with the placement and services he required during the COVID pandemic transition to online learning. Specifically, Student alleges that from March 2020 through the filing of the complaint, Roseville failed to offer or implement a program that met Student's educational needs, (2) failed to timely hold an IEP team meetings and offer programs for the 2020-2021 and 2021-2022 school years, (3) failed to properly conduct Student's IEP team meeting on or before November 10, 2021, and (4) failed to make appropriate and complete written offers in Student's IEPs. As remedies, Student seeks assessments, compensatory

education, and an order requiring Roseville to properly draft and implement a prospective IEP for Student.

Roseville asserts that the complaint contains insufficient detail, but although the complaint tends to reference school years instead of IEP dates, it does quote from specific IEP documents. Issue 4 has one subpart inexplicably labeled subpart (c), but otherwise, the complaint identifies the issues and adequate facts about each problem to permit Roseville to respond and participate in a resolution session and mediation.

Therefore, Student's statement of the four claims 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.

Alexa Hohensee

Alexa Hohensee
Administrative Law Judge
Office of Administrative Hearings