

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT on behalf of STUDENT,

v.

GALT JOINT UNION HIGH SCHOOL  
DISTRICT AND SACRAMENTO  
COUNTY MENTAL HEALTH

OAH CASE NO. 2009110076

DETERMINATION OF SUFFICIENCY  
OF DUE PROCESS COMPLAINT

On October 30, 2009, Student filed a request for due process hearing (complaint) naming the District and Sacramento County Mental Health (Mental Health).<sup>1</sup> On November 9, 2009, Mental Health filed Notice of Insufficiency] (NOI) as to the complaint.

APPLICABLE LAW AND DISCUSSION

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).)<sup>2</sup> The party filing the complaint is not entitled to a hearing unless the complaint meets the requirements of 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 (FAPE) 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. (§ 1415(b)(7)(A)(ii)(III) & (IV).) In addition, fundamental principles of due process apply to administrative proceedings in special education matters. The named parties are entitled to know the nature of the specific allegations being made against it, such that respondent may be able to prepare a defense. (*Tadano v. Manney* (9th Cir. 1947) 160 F.2d 665, 667; *Hornsby v. Allen* (5th Cir. 1964) 326 F.2d 605, 608.)

---

<sup>1</sup> A request for a due process hearing under Education Code section 56502 is the due process complaint notice required under Title 20 United States Code section 1415(b)(7)(A).

<sup>2</sup> All statutory citations are to Title 20 United States Code unless otherwise noted.

The facts alleged in Student's complaint are sufficient to put all parties on notice of the issues forming the basis of the complaint. Student's complaint identifies the issues and provides adequate facts related to the problem to permit the parties to respond to the complaint and prepare a defense at hearing.

The complaint is sufficient.

IT IS SO ORDERED.

Dated: November 12, 2009

/s/

---

RICHARD CLARK  
Presiding Administrative Law Judge  
Office of Administrative Hearings