

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

TORRANCE UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2010040714

ORDER DETERMINING
SUFFICIENCY OF DUE PROCESS
COMPLAINT

On April 13, 2010 Parent on behalf of Student filed a Request for Due Process and Mediation¹ (complaint) naming District. On April 22, 2010, District filed a Notice of Insufficiency (NOI) as to Student's complaint. Student did not file an opposition. District's NOI is denied.

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 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. (20 U.S.C. § 1415(b)(7)(A)(ii)(III) & (IV)) A complaint is required to include proposed resolutions to the problem, to the extent known and available to the party at the time. (§1415(b)(7)(A)(ii)(IV).)

DISCUSSION

Student's complaint alleges a single issue: Whether District denied Student a FAPE during the 2009-2010 school year by failing to provide Student related services in the home/hospital setting after she was diagnosed with a medical condition that required her to receive home/hospital instruction. Student's complaint alleges that, at the March 10, 2010

¹ 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).

IEP team meeting, an IEP amendment was discussed, and District offered Student placement in a special education class and related services. Student further alleges that, due to Student's recent medical issues, the District offered Student instruction in the home/hospital setting during the course of Student's treatment. Student further alleges that District declined to provide any related services while Student was in the home/hospital setting. Student's complaint proposes as a resolution that Student receive related services as provided for in the March 10, 2010 IEP Amendment offer.

The facts alleged in Student's complaint are sufficient to put the District on notice of the issues forming the basis of the complaint. Student's complaint identifies the issues and adequate related facts about the problem to permit District to respond to the complaint and participate in a resolution session and mediation. Therefore, Student's statement of claims is sufficient. Student has met the statutorily required standard of stating a resolution to the extent known and available to Student at the time.

ORDER

1. The complaint is sufficient under section 1415(b)(7)(A)(ii).
2. All mediation, prehearing conference, and hearing dates in this matter are confirmed.

Dated: April 27, 2010

/s/

ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings