

**BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF OREGON  
for the  
OREGON DEPARTMENT OF EDUCATION**

IN THE MATTER OF:THE	)	<b>RULING ON PETITION FOR</b>
EDUCATION OF	)	<b>RECONSIDERATION</b>
	)	
<b>STUDENT AND SHERWOOD</b>	)	OAH Case No. 2024-ABC-06448
<b>SCHOOL DISTRICT 88J</b>	)	Agency Case No. DP 24-003

**HISTORY OF THE CASE**

On March 11, 2024, Parent, on behalf of Student, filed a request for a due process hearing (complaint) with the Oregon Department of Education (Department). In that complaint, Parent alleged that the Sherwood School District 88J (District) violated the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §1400 *et seq.* and the corresponding administrative rules by failing to provide the minimum number of instructional hours to Student.

On March 12, 2024, the Department referred the complaint to the Office of Administrative Hearings (OAH), which assigned Senior Administrative Law Judge (ALJ) Alison Greene Webster to preside at hearing.

On March 20, 2024, counsel for the District submitted a Sufficiency Challenge to Student’s Due Process Complaint (Motion) asserting that the complaint fails to meet the requirements of 20 U.S.C. §1415(b)(7), 34 C.F.R. §300.508(b) and OAR 581-015-2345.

On March 22, 2024, the ALJ issued a Ruling Granting District’s Motion for Determination of Sufficiency of Request for Hearing and Final Order of Dismissal. The ALJ determined that Parent’s due process complaint did not meet the sufficiency standards for hearings brought under the IDEA, dismissed Parent’s complaint, and granted Parent leave to amend the complaint within 14 days.

On March 29, 2024, OAH received Parent’s Petition for Reconsideration and Motion for Summary Adjudication requesting reinstatement of the complaint and a ruling in Parent’s favor declaring that Parent has exhausted their administrative remedies.

On April 2, 2024, the ALJ granted the District’s request for leave to file a response to Parent’s Petition. The District filed its response on April 5, 2024.

**RULING**

In the Petition for Reconsideration, Parent asserts that the ALJ erred in concluding that the sufficiency requirements of 20 U.S.C. §1415(b)(7), 34 C.F.R. §300.508(b) and OAR 581-

015-2345. Specifically, Parent argues that “the imposition of a ‘who, what, when, where, and why’ pleading requirement is antithetical to [the] stated purpose [of the IDEA] and contrary to established legal pleading requirements under Oregon and Federal law.” Petition at 3. Parent contends that Oregon and Federal law require only a short and plain statement of the claim “to give the defendant fair notice of what the claim is and the grounds upon which it rests,” and that the due process complaint satisfies this pleading standard. *Id.* at 4.

Parent’s argument is not persuasive. The ALJ adheres to her determination that the purpose for the notice requirements set out in 20 U.S.C. §1415(b)(7)(A)(ii) and OAR 581-015-2345(1)(a)(B)(iii) is to give the other side the “who, what, when, where, and why” details about the reasons the party is requesting a hearing. Ruling and Order at 3. The ALJ also adheres to her determination that the complaint, as written, lacks the requisite “who, what, when, where, and why” details and does not provide sufficient factual information to allow the District to meaningfully respond. For example, the complaint fails to state when the District allegedly excluded Student from school, when Student began home instruction, whether home instruction was a placement determined by Student’s IEP team, what the IEP determined and when these IEP determinations were made. Because the complaint fails to meet the basic notice requirements under the IDEA, dismissal of the complaint is warranted. Parent’s request to reinstate the insufficient complaint is denied.

Parent also seeks a determination that, as a matter of law, that the OAH and ALJ lack the authority to grant the relief requested in the complaint, specifically, a declaration that the District’s policy of concentrated instruction violates Oregon law. In requesting summary determination, Parent acknowledges that “[t]his case is simply not about the IDEA and the provision of special education services. The case is about the denial of minimum hours of education and violations of Oregon’s Constitution, law, and regulations.” Petition at 7.

In short, absent a complaint that meets the notice requirements of OAR 581-015-2345, Parent is not entitled to a due process hearing under the IDEA. Moreover, absent a complaint that meets the notice requirements of OAR 581-015-2345, Parent is not entitled to a determination from this forum regarding the ALJ’s authority to grant the relief requested in the complaint or whether the IDEA’s exhaustion of remedies requirement applies to the dispute at hand. Accordingly, Parent’s request for a favorable ruling on summary determination is also denied.

For the reasons set out above, Parent’s Petition for Reconsideration and Motion for Summary Adjudication is **DENIED**. The due process complaint filed by Parent on March 11, 2024 is insufficient and remains **DISMISSED**.

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Alison Greene Webster  
Administrative Law Judge  
Office of Administrative Hearings

**CERTIFICATE OF MAILING**

On April 9, 2024, I mailed the foregoing RULING ON PETITION FOR RECONSIDERATION in OAH Case No. 2024-ABC-06448 to the following parties.

By: Certified Mail

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