BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

VISIONS IN EDUCATION CHARTER SCHOOL.

OAH CASE NUMBER 2026010806

ORDER DETERMINING DUE PROCESS COMPLAINT INSUFFICIENT

JANUARY 28, 2026

On January 20, 2026, Student filed a due process hearing request called a complaint, with the Office of Administrative Hearings, called OAH, naming Vision in Education Charter School. On January 26, 2026, Vision in Education filed a Notice of Insufficiency.

APPLICABLE LAW

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).

The complaint is deemed sufficient unless a party notifies OAH and the other party in writing within 15 days of receiving the complaint that the party believes the complaint has not met the notice requirements. (20 U.S.C. § 1415(c)(2)(C); Ed. Code, § 56502, subd. (d)(1).) Vision in Education timely filed the Notice of Insufficiency on January 26, 2026.

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 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

Vision in Education argues all issues are insufficiently pled because it fails to allege facts establishing a denial of a free appropriate public education, called FAPE; raises issues outside of OAH's jurisdiction; and lack facts and specificity. Student's complaint alleges three issues, all of which are insufficiently pled.

In Student's Issue One, Father alleges: "[Mother], the homeschool teacher responsible for reporting much of the data on our nonverbal daughter's IEP stated in court documents that she felt that she could not be honest, open or transparent with[e] [Student's] father during IEP meetings as she was afraid that he could use her comments as ammunition in a divorce. During IEP meetings, [Mother] avoided answering questions or filibustered to waste time [Father] complained to Visions who did their own investigation and avoided responsibility in managing this noncredentialed teacher by stating this had to do with family court and they did nothing."

Student's Issue One failed to give Visions in Education the required problems description and facts related to the problems to allege a violation of the IDEA. It does not specify the timeframe. It fails to allege any FAPE violations. And it is unclear if this issue is within OAH's jurisdiction, as written. For these reasons, Student's Issue One is insufficiently pled.

With respect to Student's Issue Two, Father alleges: "As [Mother] wanted to stop me from attending further meetings, [Mother] falsely accused me, [Student's] legal

father, of interfering in [Student's] services and stated that I was disruptive in her last IEP meeting. As a result, my legal custody was temporarily removed without an evidentiary hearing. I lost legal custody for five months and, as a result, was denied access to the May 2025 year end IEP meeting to allow me to have a voice in our nonverbal daughters education. I finally got my rights back after a hearing. Visions investigated and did nothing once again starting it wasn't their responsibility.

In Student's Issue Two, it is unclear what FAPE violations Father is alleging against Visions in Education. The decision to allow or deny educational rights to a parent is outside of OAH's jurisdiction. However, it is unclear from the issue, as written, when Father lost educational rights and if this is during the May 2025 IEP team meeting that he claims he was denied parental participation. If this is the issue he is alleging, a denial of parental participation at the May 2025 IEP team meeting, Father must connect this to a FAPE denial. For these reasons, Student's Issue Two is insufficiently pled.

In Student's Issue Three, Father alleges: "Visions had an "investigation" after I filed an UCP complaint. Their lazy report stated that they only talked to Visions staff who supervised [Mother] and the complaintant. They never interviewed the nonverbal child's teacher despite the UCP complaint that {Student's] parent provider and noncredentialed teacher used her position to deny my rights (and my daughter's rights) as dictated by the IDEA act. All they wanted to do was schedule a new IEP meeting to go over what I missed. I did not want to attend a meeting where [Student's] teacher admits she cannot be honest and they refused to acknowledge this as a factor."

Student's Issue Three failed to give Visions in Education the required problems description and facts related to the problems. It does not specify the timeframe. It fails to allege any FAPE violations. It is unclear what Father alleges Visions in Education did not do or what it should have done, and connect it to a FAPE violation. And, as written,

it is unclear if this issue is within OAH's jurisdiction. For these reasons, Student's Issue Three is insufficiently pled.

MEDIATOR ASSISTANCE FOR NON-REPRESENTED PARENTS: A parent without an attorney may request that OAH provide a mediator to assist the parent in identifying the issues and proposed resolutions that must be included in a complaint. (Ed. Code, § 56505.) Parents are encouraged to contact OAH for assistance if they intend to amend their due process hearing request.

ORDER

1. Student's complaint is insufficiently pled under section title 20 United States Code 1415(c)(2)(D).
2. Student shall be permitted to file an amended complaint under title 20 United States Code section 1415(c)(2)(E)(i)(II).
3. The amended complaint shall comply with the requirements of title 20 U.S.C. section 1415(b)(7)(A)(ii), and shall be filed not later than 14 days from the date of this order.
4. If Student fails to file a timely amended complaint, the complaint will be dismissed.
5. All dates previously set in this matter are vacated.

Cynthia Fritz

Cynthia Fritz
Administrative Law Judge
Office of Administrative Hearings