BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

SACRAMENTO CHARTER HIGH SCHOOL.

OAH CASE NUMBER 2025031053

ORDER GRANTING REQUEST TO AMEND DATE OF FILING AND DETERMINING COMPLAINT INSUFFICIENT

APRIL 22, 2025

On April 11, 2205, the undersigned Administrative Law Judge issued an order determining Student's complaint sufficient. Specifically, Student's complaint was deemed sufficient because Sacramento Charter School failed to timely file its notice of insufficiency. On April 17, 2025, Sacramento Charter School filed a Request for Reconsideration of the order claiming the Notice of Insufficiency should be deemed timely because it was not served the complaint contemporaneously with the Office of Administrative Hearings. Student did not respond.

APPLICABLE LAW

The Office of Administrative Hearings will generally reconsider a ruling upon a showing of new or different facts, circumstances, or law justifying reconsideration, when the party seeks reconsideration within a reasonable period of time, generally within ten days. (See, e.g., Gov. Code, § 11521; Code Civ. Proc., § 1008.) The party seeking reconsideration may also be required to provide an explanation for its failure to previously provide the different facts, circumstances or law. (See *Baldwin v. Home Savings of America* (1997) 59 Cal.App.4th 1192, 1199-1200.)

Sacramento Charter School argues the Order determining sufficiency was a mistake of law and fact because the calculated timeline for determining sufficiency was calculated on the date the Parent filed the matter and not the date the matter was received by Sacramento Charter.

Sacramento Charter School argues it has never been properly served on this matter and submits a declaration in support of this position. Sacramento Charter School is on notice that it could have moved to quash the summons on the grounds of defective service. (Code of Civ Proc. § 418.10.) This would have put Parent on notice to cure the defective service and allowed a mechanism to dismiss the matter should Parent fail to do so. Instead, Sacramento Charter School seeks reconsideration of the order. Determinations regarding a Notice of Insufficiency are typically not subject to reconsideration. Given the fact the complaint was not substantively reviewed and that Sacramento Charter School has made a showing that it was not timely served the complaint, this request will be deemed both a Motion to Amend the Date of Filing and a Notice of Insufficiency.

DISCUSSION

The complaint was originally filed with OAH on March 24, 2025. The proof of service states it was served November 1, 2024. Sacramento City Charter established that it did not receive a copy of the complaint until March 27, 2025. Accordingly, this case will be deemed filed on March 27, 2025, for the purpose of calculating timelines. That finding renders the Notice of Insufficiency timely.

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.)

Student's complaint alleges three insufficiently pled claims. Even with the low barrier required by the law, it is unclear what Student is alleging.

Student's first issue appears to allege school site safety and abusive conduct. It also appears the allegations are complaints the Parent had regarding how Parent was treated. Student's second issue appears to allege ethical violations by school staff in relationship to Parent's conversation with school staff. Students third issue appears misconduct at the state and federal level. While there is a possibility these issues are related to special education and the IDEA, it is unclear from the filing and Sacramento Charter would be prevented from participating in the resolution session or mediation based on this case presentation. The complaint fails to provide Sacramento City Charter with the required problem description and the facts relating to the problem.

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 deemed filed on March 27, 2025.
2. Sacramento City Charter's Notice of Insufficiency is deemed timely filed.
3. Student's complaint is insufficiently pled under section title 20 United States Code 1415(c)(2)(D).

4. Student shall be permitted to file an amended complaint under title 20 United States Code section 1415(c)(2)(E)(i)(II).
5. 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.
6. If Student fails to file a timely amended complaint, the complaint will be dismissed.
7. All dates previously set in this matter are vacated.

IT IS SO ORDERED.

Tiffany Gilmartin

Tiffany Gilmartin

Administrative Law Judge

Office of Administrative Hearings