BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

OJAI UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025050562

ORDER DETERMINING DUE PROCESS COMPLAINT INSUFFICIENT

JULY 28, 2025

On May 12, 2025, Student through Father filed a filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Ojai Unified School District.

On July 7, 2025, OAH granted Student's motion to amend. The Order deemed the amended complaint filed on July 7, 2025, and ordered that entirety of the amended complaint consisted only of the document entitled, "Proposed Amended Complaint" and did not include the incorporation any other documents, whether referenced or not.

On July 22, 2025, District filed a notice of insufficiency as to the amended complaint on the grounds that it fails to identify a legally authorized party capable of

initiating an amended complaint and lacks the statutorily required narrative describing the nature of the problem. District argues that these omissions deprive it of adequate notice of the nature of the problem and hinders its ability to participate in resolution efforts.

On July 22, 2025, Father filed a response to the notice of insufficiency, arguing that the amended complaint was sufficient, that the declaration relied upon by District introduces disputed facts, and that OAH admonish or sanction District for repeated bad faith attempts to derail the process.

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).

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)(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, *3; *Escambia County Board of Education v. Benton* (S.D. Ala. 2005) 406 F.Supp.2d 1248, 1259-1260; *Sammons v. Polk County School Board* (M.D.Fla., Oct. 28, 2005, 8:04CV2657T24EAJ) 2005 WL 2850076, *4; Cf. *M.S.-G v. Lenape Regional High School Dist. Board of Education* (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 Education of Children with Disabilities and Preschool Grants for Children with Disabilities* (Aug. 14, 2006) 71 Fed. Reg. 46,540-01, 46699.)

DISCUSSION

Father, on behalf of Student alleges that he is Student's parent and has shared legal custody of Student. District's argument based on lack of standing is an improper ground to challenge the sufficiency of the allegations in the amended complaint.

However, Student's amended complaint alleges ten claims, all of which are insufficiently pled. For each claim asserted by Student, Student has failed to include facts about the problem with sufficient information for District to know how to prepare for the hearing and how to participate in resolution sessions and mediation.

Student has a section in the amended complaint entitled supporting facts consisting of two sentences. The first sentence merely says that it incorporates "all facts detailed in Section II of the motion above." However, there are no facts alleged in Section II of the amended complaint except one sentence, that Parent filed a due

process complaint on May 6, 2025 alleging an inappropriate initial evaluation and that since then new evidence and violations "have come to light."

The reference in the supporting facts to "the motion above" is also unclear. There is no motion in the amended complaint and to the extent Student meant to incorporate facts from his motion to amend, that was improper because the amended complaint should be self-contained, and include all the claims and the supporting facts for those claims. The amended complaint should not incorporate other documents by reference. The July 7, 2025 Order Granting Motion to Amend stated that the entirety of the amended complaint consisted only of the document entitled, "Proposed Amended Complaint" and did not include the incorporation of any other documents, whether referenced or not.

The second sentence in the supporting facts section of the amended complaint merely states that "supporting evidence is available and cross-referenced in the accompanying declaration and exhibit packet (to be submitted in accordance with OAH's scheduling order)." There is no declaration in the amended complaint. While Student is required to later exchange hearing exhibits with District by uploading them into the exhibit platform OAH uses called Case Center, Student's amended complaint must itself be self-contained and include all the claims, along with supporting allegations or facts for those claims as further detailed below.

The first claim asserts that District denied Student a free appropriate public education, or FAPE, by failing to conduct an appropriate and unbiased initial evaluation. However, the amended complaint does not allege when the initial evaluation being challenged took place or explain how the initial evaluation was inappropriate or biased. Accordingly, the first claim fails to provide District with the required problem description and the facts relating to the problem.

The second claim asserts that District denied Student a FAPE by failing to include or accurately consider parental input. However, the amended complaint fails to explain how or when District failed to include or accurately consider parental input or describe the input that was allegedly not included or accurately considered by District. Student should describe the input that was not included or accurately considered, when the input was provided and describe the circumstances of the failure to include the input or accurately consider it. It should identify the document or discussion it was not included in or accurately considered and the date of the document or discussion. Accordingly, the second claim fails to provide District with the required problem description and the facts relating to the problem.

The third claim alleges that District denied Student a FAPE by relying on false and defamatory statements in official documents. However, the amended complaint fails to allege the statements at issue, the official document at issue by title or date, when they were relied upon, and how reliance on them denied Student a FAPE. Student should identify the official document, explain what false and defamatory information was relied upon, when it was relied upon and by whom, and explain how such reliance denied Student a FAPE. Accordingly, the third claim fails to provide District with the required problem description and the facts relating to the problem.

The fourth claim alleges that District denied Student a FAPE by denying Parent access to full IEP participation and team composition. However, the amended complaint fails to include sufficient facts about the problem and is too vague. Student has not explained when and how Parent was denied access to full participation and team composition, and in which individualized education program team meeting, called IEP team meeting(s) this occurred. It is also unclear what Student means regarding team composition. Did District fail to have all mandatory or appropriate team members

attend an IEP team meeting? If so, who did not attend and at which IEP team meeting did this occur? Without this information, the fourth claim fails to provide District with the required problem description and the facts relating to the problem to put it on notice of the claim being asserted.

The fifth claim alleges that District denied Student a FAPE by relying on improper custody documents and disregarding valid orders. As with the third claim, the fifth claim is insufficient. It does not identify the improper custody documents and valid orders by title or date to which Student refers. Student does not explain how reliance on the custody documents was improper, when they were relied upon, and how that reliance relates to Student's identification for special education, the evaluation of Student, Student's educational placement, or how it denied Student a FAPE. Student does not explain how and when the orders were disregarded, and how disregarding the orders relates to Student's identification for special education, the evaluation of Student, Student's educational placement, or how it denied Student a FAPE. Accordingly, the fifth claim fails to provide District with the required problem description and the facts relating to the problem to put it on notice of the claim being asserted.

The sixth claim alleges District denied Student a FAPE by denying Parent access to educational records and assessment notes. However, the amended complaint fails to explain when or how Parent was denied access to the records, and for which assessment the notes pertain. If Parent requested the records and District failed to provide them, Student does not state when the request was made, and which records or notes were requested and not provided, and when that failure occurred. Accordingly, the second claim fails to provide District with the required problem description and the facts relating to the problem to put it on notice of the claim being asserted.

The seventh claim alleges that District denied Student a FAPE by failing to consider or provide an independent educational evaluation. However, the amended complaint fails to include sufficient facts about the problem and is vague and confusing. Student has not alleged which independent educational evaluation District failed to consider and when or how they failed to consider it. It is also unclear what Student means regarding the failure to provide an independent educational evaluation. If Student is attempting to allege that Parent asked for an independent educational evaluation that District refused, Student has failed to allege when the request was made by Parent, what was requested, and when District responded, if it did. Otherwise, Student fails to explain how District's failure to provide the independent evaluation denied Student a FAPE, when the alleged conduct occurred, and which independent educational evaluation was not provided. Without this information, the seventh claim fails to provide a sufficient description and the facts relating to the problem.

The eighth claim alleges that District denied Student a FAPE by allowing school staff, including Liv Thwaites, to make knowingly false claims which undermined the assessment and IEP process. However, the amended complaint fails to describe the alleged false claims, when they were made, and by whom other than Thwaites. Student has also not identified the assessment or IEP that was undermined. Without this information, the eighth claim fails to provide a sufficient description and the facts relating to the problem.

The ninth claim alleges that District denied Student a FAPE by failing to provide prior written notice for key decisions or procedural actions. However, Student fails to allege when the key decisions or procedural actions occurred or include a description of what they were and who made them. Without this information, the ninth claim fails to provide a sufficient description and the facts relating to the problem.

The tenth claim alleges that District denied Student a FAPE by omitting legally required "SST data" and Parent input from evaluations. However, Student does not describe the legally required SST data to which he refers and or what Parent input was omitted from evaluation, which evaluation the SST data and Parent input was omitted from or when the evaluation took place. Without this information, the tenth claim fails to provide a sufficient description and the facts relating to the problem.

A complaint is required to include proposed resolutions to the problem, to the extent known and available to the party at the time. (20 U.S.C. §1415(b)(7)(A)(ii)(IV).) Student's proposed resolutions include an independent education evaluation at public expense, a neutral reassessment under transparent conditions, expungement or correction of defamatory and false records/statements, staff training, and any warranted compensatory education. Student met the statutorily required standard of stating a resolution to the extent known and available at the time the amended complaint was filed.

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 amended complaint is insufficiently pled under section title 20 United States Code 1415(c)(2)(D) as to claims one through ten.
2. Student shall be permitted to file a second amended complaint under title 20 United States Code section 1415(c)(2)(E)(i)(II).

3. The second 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 10 calendar days from the date of this order. If Student timely files a second amended complaint, OAH will issue a new scheduling order with the new dates for the prehearing conference and due process hearing.
4. If Student fails to timely file a second amended complaint, the matter will be dismissed.
5. All dates previously set in this matter are vacated, except for the mediation. The mediation scheduled for August 11, 2025, remains on calendar unless cancelled by a party or OAH. (34 C.F.R. § 300.510(c); Ed. Code, § 56501.5, subd. (d).).

IT IS SO ORDERED.

Laurie Gorsline

Laurie Gorsline
Administrative Law Judge
Office of Administrative Hearings