BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

SAN JUAN UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025030980

ORDER DETERMINING DUE PROCESS COMPLAINT PARTIALLY SUFFICIENT

APRIL 3, 2025

On March 25, 2025, Parent on behalf of Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming San Juan Unified School District. OAH set the matter for expedited and non-expedited hearings based on the issues raised in the complaint. The expedited hearing is scheduled to begin on April 29, 2025. The non-expedited hearing is set for May 13, 14, and 15, 2025.

On April 2, 2025, San Juan Unified filed a timely Notice of Insufficiency as to Issues 14, 16a, 16c, 16d, and 16e of the complaint. San Juan Unified's notice also seeks

as an alternative, dismissal of Issues 16a, 16c, 16d, and 16e, because San Juan Unified contends OAH lacks jurisdiction to address those Issues.

San Juan Unified is advised to file notices of insufficiencies and motions to dismiss separately because the timelines for rulings on notices of insufficiencies and motions to dismiss differ. Therefore, this Order will only address San Juan Unified's challenge to the sufficiency of the complaint. San Juan Unified's motion to dismiss Issues 16a, 16c, 16d, and 16e is denied without prejudice. San Juan Unified may move to dismiss those Issues in a separate motion.

The purpose of the Individuals with Disabilities Education Act, called IDEA, (20 U.S.C. § 1400 et. seq.) is to ensure that all children with disabilities have available to them a free appropriate public education, called FAPE, and to protect the rights of those children and their parents. (20 U.S.C. § 1400(d)(1)(A), (B), and (C); see also Ed. Code, § 56000.) A party has the right to present a complaint with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a FAPE to such child. (20 U.S.C. § 1415(b)(6); Ed. Code, § 56501, subd. (a) [party has a right to present a complaint regarding matters involving proposal or refusal to initiate or change the identification, assessment, or educational placement of a child; the provision of a FAPE to a child; the refusal of a parent or guardian to consent to an assessment of a child; or a disagreement between a parent or guardian and the public education agency as to the availability of a program appropriate for a child, including the question of financial responsibility].) OAH's jurisdiction is limited to these matters. (*Wyner v. Manhattan Beach Unified School. Dist*. (9th Cir. 2000) 223 F.3d 1026, 1028-1029.)

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 parent of a child with a disability who disagrees with any decision by a school district regarding a change in educational placement of the child based upon a violation of a code of student conduct, or who disagrees with a manifestation determination made by the school district, may request and is entitled to receive an expedited due process hearing. (20 U.S.C. § 1415(k)(3)(A); 34 C.F.R. § 300.532(a) (2006).) An expedited due process hearing before OAH must occur within 20 school days of the date the complaint requesting the hearing is filed. (20 U.S.C. § 1415(k)(4)(B); 34 C.F.R. § 300.532(c)(2).) There is no provision for expedited hearings under title 20 United States Code section 1415(k) to test the complaint's sufficiency. Indeed, there is insufficient time to complete the notice of insufficiency process in expedited hearings.

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 FAPE;
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.)

Issue 14 of Student's complaint contends San Juan Unified failed to hold a manifestation determination review in response to Student's conduct on February 11, 2025. Issue 14 is an appeal under section 1415(k), necessitating an expedited hearing. Therefore, San Juan Unified's motion to deem Issue 14 insufficient is denied because there is no provision under title 20 United States Code section 1415(k) to test the sufficiency of the complaint as to the expedited claim in Issue 14.

The complaint is insufficient as to the problem described in Issue 16a. Issue 16a claims San Juan Unified failed to provide Parent a legally compliant notice of suspension. However, the complaint fails to sufficiently describe how the deficiency of the suspension notice relates to the identification, evaluation, or educational placement of Student, or the provision of a FAPE to Student. The complaint fails to describe enough information to provide San Juan Unified with an awareness and understanding

of the problem in Issue 16a to enable San Juan Unified to prepare a defense in which OAH has jurisdiction to address. Accordingly, Issue 16a is insufficiently pled.

Issue 16c is sufficiently pled. Issue 16c describes incidents of other students bullying Student. The complaint claims San Juan Unified failed to properly investigate and respond to the bullying, which resulted in Student missing nearly two months of school, denying Student a FAPE. The bullying of a student with a disability that results in the student not receiving meaningful educational benefit may constitute a denial of a FAPE under the IDEA. (*Dear Colleague Letter*, Office of Special Education and Rehabilitative Services, August 20, 2013, pp. 2-3.) Liberally read, the complaint provides enough information to provide San Juan Unified with an awareness and understanding of the problem in Issue 16c. Issue 16c is sufficiently pled.

Issue 16d is also sufficiently pled. Issue 16d describes problems regarding the qualifications of Student's special education teacher. The complaint contends the special education teacher was not qualified to provide Student with instruction, denying Student a FAPE. Liberally read, the complaint provides enough information to provide San Juan Unified with an awareness and understanding of the problem in Issue 16d. Issue 16d is sufficiently pled.

Issue 16e is sufficiently pled. Issue 16e alleges San Juan Unified removed Student from one general education math class and an English class, and offered more instruction in a special education classroom. Student claims Parent did not consent to the class changes. The complaint provides enough information to provide San Juan Unified with an awareness and understanding of the problem in Issue 16e. Issue 16e is sufficiently pled.

ORDER

1. San Juan Unified's request to deem Issue 14 insufficient is denied.
2. Issues 16c, 16d, and 16e of the complaint are sufficient under title 20 United Stated Code section 1415(b)(7)(A)(ii).
3. Issue 16a of the complaint is insufficiently pled under title 20 United States Code section 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 United States Code section 1415(b)(7)(A)(ii), and shall be filed not later than 14 days from the date of this Order. The filing of an amended complaint will restart the applicable timelines for a non-expedited due process hearing for non-expedited claims.
6. If Student fails to file a timely amended complaint, the non-expedited hearing shall proceed on all non-expedited Issues with the exception of Issue 16a.
7. San Juan Unified's motion to dismiss Issues 16a, 16c, 16d, and 16e is denied without prejudice.

Rommel P. Cruz

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Administrative Law Judge

Office of Administrative Hearings