BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

# IN THE MATTER OF:

# PARENTS ON BEHALF OF STUDENT,

v.

# TRIVIUM CHARTER SCHOOL, BLOCHMAN UNION SCHOOL DISTRICT AND EL DORADO COUNTY CHARTER SELPA.

# OAH CASE NUMBER 2025070780

# ORDER DETERMINING DUE PROCESS COMPLAINT INSUFFICIENT AS TO EL DORADO COUNTY CHARTER SELPA

AUGUST 5, 2025

On July 21, 2025, Parent on behalf of Student filed a Due Process Hearing Request, also called a complaint, with the Office of Administrative Hearings, called OAH, naming Trivium Charter School, Blochman Union School District and El Dorado County Charter Special Education Local Plan Area or SELPA as respondents.

On August 1, 2025, El Dorado County Charter SELPA filed a Notice of Insufficiency as to the complaint.

## 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 party has the right to file a notice asserting a complaint is insufficient within 15 days of receiving a request for due process hearing. (20 U.S.C. § 1415 (c)(2)(C); Ed. Code § 56502, subd. ((d)(1).) 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 Individuals with Disabilities Education Act, or 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.] 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 46541, 46699.)

## COMPLAINT IS INSUFFICIENT AS TO EL DORADO COUNTY CHARTER SELPA

Student has failed to allege any facts in his complaint stating El Dorado County Charter SELPA was responsible for providing a free, appropriate public education, or FAPE, to Student, or was responsible for participating in decisions regarding Student's education. Nor does Student allege any facts contending that El Dorado County Charter SELPA violated the IDEA, or the California special education laws. All issues stated assert claims only against "District." While Student alleges that Trivium Charter School and El Dorado County Charter SELPA are "collectively referred to as 'District,'" given the multiple parties identified as respondents, such an allegation is unclear, as it fails to state which claims are being asserted against which party. As a result, El Dorado is not provided notice of the claims to which it must prepare a defense.

## ORDER

1. Student's complaint is insufficiently pled under section title 20 United States Code 1415(c)(2)(D) as to El Dorado County Charter SELPA.
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 calendar days from the date of this order.
4. If Student fails to file an amended complaint by the deadline, the complaint

will be dismissed against El Dorado County Charter SELPA. The complaint will proceed as currently scheduled against all other named respondents.

IT IS SO ORDERED.

*Penelope Pahl*

Penelope S. Pahl
Administrative Law Judge
Office of Administrative Hearings