BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

ROSEDALE UNION SCHOOL DISTRICT.

OAH CASE NUMBER 2025031142

ORDER DETERMINING DUE PROCESS COMPLAINT PARTIALLY SUFFICIENT

APRIL 7, 2025

On March 28, 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 Rosedale Union School District. On April 4, 2025, Rosedale Union filed a timely Notice of Insufficiency as to the complaint. Student filed a response to the Notice on April 4, 2025.

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)(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 raises five Issues. Rosedale Union is challenging the sufficiency of the complaint as to Issues 1, 2, 3, and 4.

Rosedale Union contends Issue 1 raises claims outside the two-year statute of limitations. However, a fair and liberal reading of the complaint finds Student's claims for each of the Issues are limited by the two-year statute of limitations because Student does not argue in his complaint or in his response to the Notice of Insufficiency that an exception to the two-year statute of limitations applies. Therefore, Student's claims are limited to March 28, 2023, through March 28, 2025.

Issue 1 of the complaint is insufficiently plead. Issue 1 claims Rosedale Union failed to fulfill its child find obligations from March 28, 2023, through March 28, 2025. Student contends Rosedale Union failed to conduct a functional behavior assessment of Student, and as result, failed its child find obligation to Student.

However, Student was determined eligible for special education services in 2019, and had an individualized education program, called IEP, each school year since. Child find refers to an affirmative, ongoing duty by a school district to identify, locate, and evaluate all children with disabilities that may need special education and related services. (20 U.S.C. § 1412(a)(3); 34 C.F.R. § 300.111(a).) Child find is a screening process to locate and identify children who may need special education services, which is different from a school district's obligation to assess a child in all areas of suspected disability. (20 U.S.C. § 1414(b)(3)(B); 34 C.F.R. § 300.304(c)(4); Ed. Code, § 56320, subd. (f).). The complaint fails to provide a sufficient description of how Rosedale Union failed its child find obligation to Student from March 28, 2023, through March 28, 2025, in light of Student having been screened and found eligible for special education services. The complaint lacks enough information to provide Rosedale Union with an awareness

and understanding of the basis of Student's child find claim in Issue 1, to enable Rosedale Union to prepare for hearing to defend against the child find claim.

Issue 2 is sufficiently plead. Issue 2 claims Rosedale Union failed to comprehensively assess Student in all areas of suspected disability by failing to assess the functions of his problem behaviors during the relevant period. The complaint provides a description of problem behaviors that Student claims necessitated a functional behavior assessment. Liberally read, the complaint provides enough information to provide Rosedale Union with an awareness and understanding of the problem in Issue 2.

Issue 3 is also sufficiently plead. Issue 3 claims Rosedale Union failed to offer IEPs designed to meet his needs from March 28, 2023, through March 28, 2025. Specifically, Student claims the IEPs failed to appropriately address his lack of growth in academics and language skills and failed to offer individual speech therapy.

Rosedale Union contends Issue 3 is insufficiently plead because the complaint fails to identify the IEPs that Student is challenging. However, a liberal reading of the complaint finds that Student is challenging each IEP offer made from March 28, 2023, through March 28, 2025. The complaint provides Rosedale Union with enough information to identify and understand the challenges to the IEPs in Issue 3.

Issue 4 is sufficiently plead. Issue 4 claims Rosedale Union impeded Parent's opportunity to meaningfully participate in the decision-making process by denying Parent's request for a functional behavior assessment and failing to address Parent's concerns about Student's speech needs. The complaint provides a description of problems involving Student's behaviors and need for more speech services during the 2023-2024 and 2024-2025 school years. Liberally read, the complaint includes enough

information to provide Rosedale Union with an awareness and understanding of the claim in Issue 4 to enable Rosedale Union to prepare a defense against the claim.

ORDER

1. Issues 2, 3, and 4 of Student's complaint are sufficient under title 20 United States Code section 1415(b)(7)(A)(ii).
2. Issue 1 of Student's complaint is insufficiently pled under title 20 United States Code section 1415(c)(2)(D).
3. Student shall be permitted to file an amended complaint under title 20 United States Code section 1415(c)(2)(E)(i)(II).
4. 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 due process hearing.
5. If Student fails to file a timely amended complaint, the hearing shall proceed only on Issues 2, 3, 4, and 5, in Student's complaint, as described in this Order.

IT IS SO ORDERED.

Rommel P. Cruz

Rommel P. Cruz

Administrative Law Judge

Office of Administrative Hearings