BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

KERN HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2026040081

ORDER DETERMINING DUE PROCESS COMPLAINT PARTIALLY SUFFICIENT

APRIL 8, 2026

On March 27, 2026, Student filed a due process hearing request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Kern High School District. On April 6, 2026, Kern filed a notice of insufficiency as to the complaint.

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 raises two issues in his complaint. Kern argues both issues are insufficiently pled. Student's Issue 1 alleges Kern failed to reenroll him in his home school district and violated its child find obligations. While the issue does not explicitly

state that Kern's failure to reenroll Student amounted to a FAPE denial, the sentence immediately preceding the IDEA violations section states Kern's failure to reenroll Student and provide him IEP services constitutes a violation of FAPE. Student list the chronological facts that led to Student's disenrollment and the facts and date Parent tried to reenroll Student. Student lists sufficient facts for Kern to understand the basis of the issue as a denial of FAPE.

However, it is not clear how the alleged FAPE violation amounts to a child find violation. Student does not include any facts or allegations to put Kern on notice that its alleged failure to reenroll Student violated its child find obligation. Issue 1 is partially sufficient. Issue 1 is sufficient as to a FAPE denial, but it is insufficiently plead as to a child find violation. If Student wants to proceed with a child find violation Student must file an amended complaint.

Student's Issue 2 alleges Kern failed to provide Student with special education services while he was hospitalized. Kern argues this is insufficient because Student does not list all the specific dates when Student was hospitalized or what individualized education program, or IEP, Kern failed to implement, or what special education services Kern failed to provide. While Student does not list specific hospitalizations, Student does list the general time period starting with the 2024-2025 school year. Additionally, Kern's own attendance records would shed light on when Student was in school and what the operative IEP was at the time. Student does not list specific facts about the services or IEPs, but does provide enough information to give Kern an awareness of the problem and permit Kern to respond and participate in a resolution session and mediation. Therefore, Student's Issue 2 is sufficient.

Student's proposed resolutions request compensatory education, Kern staff training, and for Kern to reenroll Student. 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).) The proposed resolution stated in Student's complaint meet the statutorily required standard regarding proposed resolutions.

ORDER

1. Issue 1 of Student's complaint is sufficient under title 20 United States Code section 1415(b)(7)(A)(ii) as to the FAPE violation.
2. Issue 1 of Student's complaint is insufficiently pled under title 20 United States Code section 1415(c)(2)(D) as to the child find violation.
3. Issue 2 of Student's complaint is sufficient under title 20 United States Code section 1415(b)(7)(A)(ii).
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 due process hearing.
6. If Student fails to file a timely amended complaint, the hearing shall proceed only on the FAPE violation in Issue 1 and Issue 2 in Student's complaint.

Linda Dowd

Linda Dowd

Administrative Law Judge

Office of Administrative Hearings