BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

ADELANTO ELEMENTARY SCHOOL DISTRICT, DESERT MOUNTAIN SPECIAL EDUCATION LOCAL PLAN AREA, AND DESERT MOUNTAIN CHILDREN'S CENTER.

OAH CASE NUMBER 2025060065

ORDER DETERMINING DUE PROCESS COMPLAINT PARTIALLY SUFFICIENT

AUGUST 22, 2025

On June 2, 2025, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, called OAH, naming Adelanto Elementary School District.

On July 31, 2025, Student filed a motion to amend his complaint. Student's amended complaint alleged claims against Desert Mountain Special Educational Local

Plan Area, called SELPA, and Desert Mountain Children's Center, as additional respondents.

On August 20, 2025, Adelanto, Desert Mountain SELPA, and Desert Mountain Children's Center timely 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 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 46540-46541, 46699.)

DISCUSSION

OAH granted Student's motion to amend his due process complaint on August 5, 2025, and deemed Student's amended complaint filed that same day. In its August 5, 2025 Order, OAH found that Student filed a combined single 244-page document which included the motion to amend, several pages of narrative, and exhibits. OAH determined that Student's combined motion and first amended complaint included 14 headings under Roman numerals. OAH interpreted headings 2 through 13 to be Student's first amended complaint.

Even with this clarification, Student's first amended complaint contains a lengthy and at times unclear narrative. Even with a liberal reading of Student's first amended complaint, it is difficult to identify the claims Student alleges. Contributing to this

difficulty are a significant amount of commentary and conclusory statements which do not appear to directly correspond with any specifically identified legal claim.

Nevertheless, Student does allege some identifiable claims in his first amended complaint under headings 2 through 13. Some are sufficient and others are not. Each heading is analyzed in turn below.

Heading 2 of Student's amended complaint is labelled "Factual Background" and includes a lengthy narrative of various alleged facts since the 2023-2024 school year. Student did not specifically allege any legal issues under this heading. Rather, Student's narrative alludes to issues raised more specifically under subsequent headings and discussed below.

However, Adelanto, Desert Mountain SELPA, and Desert Mountain Children's Center are not required to comb through pages of narrative to guess what claims Student may be raising through his amended complaint. As a result, Student failed to provide Adelanto, Desert Mountain SELPA, or Desert Mountain Children's Center with the required awareness and understanding of the issues forming the basis of the complaint. Therefore, any legal issues Student believes he raised only under heading 2 are insufficiently pled.

Heading 3 of Student's amended complaint alleges generally that Adelanto, Desert Mountain SELPA, and Desert Mountain Children's Center colluded and "withheld critical diagnostic and mental health evaluation data" from Student's individualized education program, called IEP, team.

However, it is not clear from Student's amended complaint what data or evaluation Student is referring to. Adelanto, Desert Mountain SELPA, and Desert Mountain Children's Center are not required to comb through Student's amended

complaint and guess at what information Student is alleging was withheld. As a result, Student failed to provide Adelanto, Desert Mountain SELPA, or Desert Mountain Children's Center with the required awareness and understanding of the issues forming the basis of the complaint. Therefore, any legal issues raised under heading 3 are insufficiently pled.

Heading 4 of Student's amended complaint alleges Adelanto, Desert Mountain SELPA, and Desert Mountain Children's Center falsely obtained Parent's consent to a special education document on November 14, 2024. Student further alleges that Adelanto, Desert Mountain SELPA, and Desert Mountain Children's Center took advantage of Parent's limited English language proficiency to improperly secure her signature. Student alleges these claims under the Individuals with Disabilities Education Act, called IDEA, and Title VI of the Civil Rights Act of 1964.

While Student's complaint is not ideal, and does not specifically identify the document at issue, Student provided the date Parent signed the document, and that the document removed certain services from Student's special education program. As applied to the facts here, Adelanto, Desert Mountain SELPA, and Desert Mountain Children's Center have sufficient information to determine which document and signature are at issue. Accordingly, the claims under heading 4, as explained in this Order, are sufficiently pled.

Heading 5 of Student's amended complaint alleges that Adelanto, Desert Mountain SELPA, and Desert Mountain Children's Center falsified an unspecified assessment plan, which Parent discovered on or about April 25, 2025. Student alleges claims under the IDEA and Section 504 of the Rehabilitation Act of 1973.

Student's claims under heading 5 are insufficiently pled. Student does not clearly identify which assessment plan is at issue. Thus, Student failed to provide Adelanto, Desert Mountain SELPA, or Desert Mountain Children's Center with the required awareness and understanding of the issues forming the basis of the complaint. Therefore, any legal issues raised under heading 5 are insufficiently pled.

Heading 6 of Student's amended complaint alleges that Adelanto, Desert Mountain SELPA, and Desert Mountain Children's Center unilaterally terminated the special education services Desert Mountain Children's Center had been providing to Student through his IEP, on May 28, 2025. Student alleges this action violated the IDEA's "stay put" provisions.

Adelanto, Desert Mountain SELPA, and Desert Mountain Children's Center have sufficient information to determine which service or services are at issue, based on the date of alleged termination on May 28, 2025. Accordingly, the claims under heading 6, as explained in this Order, are sufficiently pled.

Heading 7 of Student's amended complaint alleges that Desert Mountain SELPA failed to utilize alternative dispute resolution to facilitate a solution between Adelanto and Parent regarding Student's education. Student alleges this failure started on May 30, 2024.

Desert Mountain SELPA does not have sufficient information to understand the issue, or how any allegations under heading 7 describe a problem relating to the proposed change regarding the Student's identification, evaluation, or educational placement, or providing the Student a free appropriate public education. Accordingly, the claims under heading 7 are insufficiently pled.

Heading 8 of Student's amended complaint alleges Adelanto, Desert Mountain SELPA, and Desert Mountain Children's Center failed to meet their "Child Find" obligations by failing to assess Student's behavioral, emotional, and safety needs. Student alleges violations under the IDEA, Section 504 of the Rehabilitation Act, SETH Law, and the Safe Schools Act.

However, Student's claims under heading 8 are insufficiently pled. For example, Student does not explain when Adelanto, Desert Mountain SELPA, and Desert Mountain Children's Center failed to assess Student or when they should have. Thus, Student failed to provide Adelanto, Desert Mountain SELPA, or Desert Mountain Children's Center with the required awareness and understanding of the issues forming the basis of the complaint. Therefore, any legal issues raised under heading 8 are insufficiently pled.

Heading 9 of Student's amended complaint includes seven bullet points, each alleging various claims under various bodies of law, including the IDEA, Section 504 of the Rehabilitation Act, and SETH's Law. However, the allegations included in this heading are duplicative of allegations made under previous headings. To the extent that Student re-alleges claims discussed under previous headings, those claims are sufficiently or insufficiently pled as determined elsewhere in this Order. Student's conclusory statements included in the bullet pointed paragraphs do not, by themselves, sufficiently plead any additional claims.

Heading 10 of Student's amended complaint alleges that Desert Mountain SELPA failed to monitor and intervene regarding Adelanto's provision of special education services to Student, since September 27, 2024. Student also alleges that Desert Mountain SELPA failed to monitor and intervene regarding Adelanto's compliance with its duties to provide Parent with a copy of Student's educational records pursuant to an

October 8, 2024 request. Student alleges claims under the IDEA, corresponding California law, and the Family Educational Rights and Privacy Act.

Desert Mountain SELPA does not have sufficient information to understand the issue, or how any allegations under heading 10 describe a problem relating to the proposed change regarding the Student's identification, evaluation, or educational placement, or providing the Student a free appropriate public education. Accordingly, the claims under heading 10 are insufficiently pled.

Heading 11 of Student's amended complaint alleges that Adelanto and Desert Mountain SELPA failed to provide Parent with a copy of Student's educational records within five business days of Parent's October 8, 2024 request. Student alleges claims under the IDEA, corresponding California law, and the Family Educational Rights and Privacy Act. Adelanto and Desert Mountain SELPA have sufficient information to understand these issues. Accordingly, the claims under heading 11, as explained in this Order, are sufficiently pled as against Adelanto and Desert Mountain SELPA.

Heading 12 of Student's amended complaint alleges that Desert Mountain SELPA failed to monitor and intervene regarding Adelanto's alleged failure to ensure a general education teacher was present at Student's IEP team meetings. Student also alleges that Adelanto failed to ensure that a general education teacher was present at Student's IEP team meetings.

However, Student did not sufficiently plead these claims. For example, Student does not explain or identify which IEP team meeting or meetings are at issue. Thus, Student failed to provide Adelanto, Desert Mountain SELPA, or Desert Mountain Children's Center with the required awareness and understanding of the issues forming

the basis of the complaint. Therefore, any legal issues raised under heading 12 are insufficiently pled.

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 resolutions stated under heading 13 in Student's amended complaint are not well-defined. However, Student has met the statutorily required standard of stating a resolution to the extent known and available to him at the time.

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. Claims identified above under headings 4, 6, 9, and 11, of Student's amended complaint are sufficient, as explained by this Order, under title 20 U.S.C. section 1415(b)(7)(A)(ii).
2. Claims raised under headings 2, 3, 5, 7, 8, 10, and 12, of Student's amended complaint, or not otherwise specifically identified as sufficient by this Order, are 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 U.S.C. 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 claims identified above under headings 4, 6, 9, and 11 of Student's amended complaint, as explained by this Order.
6. This Order makes no determinations over whether OAH has jurisdiction over some of all of Student's claims.

IT IS SO ORDERED.

Ashok Pathi

Ashok Pathi
Administrative Law Judge
Office of Administrative Hearings