BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

CAPISTRANO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025011039

ORDER DETERMINING AMENDED DUE PROCESS COMPLAINT SUFFICIENT

MARCH 4, 2025

On January 30, 2025, Parents, on behalf of Student, filed a Due Process Hearing Request, also called a complaint, with the Office of Administrative Hearings, called OAH, naming Capistrano Unified School District as respondent. On February 14, 2025, OAH determined the complaint insufficient, pursuant to Capistrano's first Notice of Insufficiency.

On February 21, 2025, Student filed an amended complaint. On March 3, 2025, Capistrano filed a Notice of Insufficiency as to Student's amended complaint.

APPLICABLE LAW

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.)

ISSUES SUFFICIENTLY PLED

Student's alleges the following three issues:

Issue 1: Did District fail in their Child Find mandates from June 2024 to the present by failing to identify and address Student's continuing academic and behavioral needs while refusing to allow him to remain at Mardan School until he graduates, even though he only needs 13.5 credits to do so?

Issue 2: From June 2024, to present, did District fail to assess Student in all areas of suspected disability to truly garner an understanding of his highly complex needs which have been a bar and impediment to his curriculum access? Moreover, did District fail to keep an eye on Student's mental health challenged which have recently evolved into a suicide attempt and hospitalization? Finally did District fail to consider and assess the negative impact upon Student if forced to return to his former high school once he has finally enjoyed success at Mardan?

Issue 3: Is District's current offer to return Student to his comprehensive public high school campus in light of the success he shown at Marden a denial of FAPE?

Student's issue one sufficiently alleges a violation of the IDEA child find mandate to allow Capistrano notice of the claim and the ability to prepare for resolution, mediation and hearing. Issue two, adequately notifies Capistrano of Student's claims that, since June of 2024, it failed to assess in all areas of suspected disability. Student's issue three asks whether Capistrano's "current offer" to return Student to his comprehensive public high school campus is a denial of a free, appropriate public education, given the information Capistrano has regarding his recent performance at Marden.

Capistrano asserts the complaint is insufficient because it fails to give it notice of "the requisite factual detail" to put Capistrano on proper notice of the complaint. Minimal pleading standards apply to requests for due process pursuant to the Individuals with Disabilities Education Act. (*Schaffer ex rel. Schaffer v. Weast*, (2005) 546 U.S. 49, 54 [126 S.Ct. 528, 163 L.Ed.2d 387].) Capistrano offers no persuasive authority that facts in addition to those included in the issue statements, are needed. Prior OAH orders are not precedential. (Cal. Code Regs. tit. 5, § 3085.) The allegations in the issue statements themselves give Capistrano adequate notice of Student's claims to prepare for resolution session, mediation and hearing. Additional clarification, if needed, may be sought at the prehearing conference.

ORDER

1. Student's claims are sufficient under the IDEA. (20 U.S.C. § 1415(b)(7)(A)(ii).)
2. The currently scheduled prehearing conference and hearing dates in this matter are confirmed, and shall proceed as currently scheduled.
3. Nothing in this order limits an Administrative Law Judge's ability to clarify details associated with any of the alleged claims during a prehearing conference.

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl
Administrative Law Judge
Office of Administrative Hearings