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 2024120081

ORDER DETERMINING AMENDED DUE PROCESS COMPLAINT INSUFFICIENT

JANUARY 2, 2025

On December 3, 2024, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, called OAH, naming Capistrano Unified School District, called Capistrano. On December 10, 2024, Capistrano timely filed a Notice of Insufficiency as to the complaint.

On December 11, 2024, OAH determined all three issues in Student's complaint were insufficiently pled. OAH permitted Student to file an amended complaint within 14 days.

On December 18, 2024, Student filed an amended complaint. On January 2, 2025, Capistrano timely filed a Notice of Insufficiency as to the amended 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, called a FAPE;
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

Student's amended complaint raises three insufficiently pled issues. Notably, most of the facts Student alleges pertain to events significantly prior to the time frame Student alleges he was denied a FAPE, specifically August 2024 through the date of filing of the amended complaint. Moreover, the amended complaint is materially identical to Student's initial, insufficiently pled, complaint.

Issue 1 of the amended complaint is nearly identical to Issue 1 of the original complaint, save a slightly narrower time frame for the alleged denial of FAPE. Student alleges that Capistrano failed to meet its Child Find duties from "August 2024 to the present." OAH determined this issue to have been insufficiently pled in Student's original complaint, and Student's verbatim allegations are likewise insufficiently pled. The amended complaint lacks enough information to provide Capistrano with an awareness and understanding of the issues forming the basis of Issue 1, and to enable Capistrano to prepare for the hearing and participate in a resolution session. Accordingly, Issue 1 of the amended complaint is insufficient.

Issue 2 of the amended complaint is also nearly identical to Issue 2 of the original complaint, save a slightly narrower time frame for the alleged denial of FAPE. Student alleges that Capistrano failed to assess Student in all areas of suspected disability from

"August 2024, to present." Student failed to describe how Capistrano failed to assess Student in any area of suspected disability from August 2024, through December 17, 2024. The amended complaint lacks enough information to provide Capistrano with an awareness and understanding of the issues forming the basis of Issue 2, and to enable Capistrano to prepare for the hearing and participate in a resolution session. Accordingly, Issue 2 of the amended complaint is insufficient.

Issue 3 of the amended complaint is identical to Issue 3 of the original complaint. Despite including some additional facts in the amended complaint, Student still failed to identify which individualized education program offer or offers Student is alleging denied him a FAPE or for what time period. Student vaguely asserts that the "current offer" of FAPE denies Student a FAPE but does not identify which offer of FAPE that is. The amended complaint lacks enough information to provide Capistrano with an awareness and understanding of the issues forming the basis of Issue 3, and to enable Capistrano to prepare for the hearing and participate in a resolution session. Accordingly, Issue 3 of the amended complaint is insufficient

ORDER

1. Student's amended complaint is insufficiently pled under section title 20 United States Code 1415(c)(2)(D).
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 days from the date of this order.
4. If Student fails to file a timely amended complaint, the complaint will be dismissed.

5. All dates previously set in this matter are vacated.

IT IS SO ORDERED.

Ashok Pathi

Ashok Pathi

Administrative Law Judge

Office of Administrative Hearings