BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT

v.

ASPIRE FIRESTONE ACADEMY

OAH CASE NUMBER 2025110729

ORDER DETERMINING DUE PROCESS COMPLAINT PARTIALLY SUFFICIENT

DECEMBER 22, 2025

On October 27, 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 Aspire Firestone Academy. Student subsequently filed an amended complaint on December 8, 2025. On December 18, 2025, Aspire filed a Notice of Insufficiency as to the amended 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 Individuals with Disabilities Education Act, known as 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 alleges three claims, some of which are sufficient and some which are insufficient. Claims A and B contain subparts which are considered separately.

CLAIM A

Claim A alleges Aspire failed to comprehensively evaluate him in all areas of suspected disability. The introduction to the complaint asserts Student has mental health issues which have resulted in emotional and behavioral issues requiring trauma-informed therapy. The complaint has four bulleted sub-issues and two additional statements alleging violations by Aspire.

The first sub-issue in Claim A is the assertion Aspire failed to assess Student in all disability-related areas. Aspire objects this allegation is unclear, requiring it to prepare to defend against a failure to assess Student in all possible disability-related areas. For this claim to be sufficiently stated, Student at a minimum must state in which areas of need related to disability Aspire should have assessed. The assertion Aspire failed to assess Student is all areas of suspected disability is not sufficiently pled because it lacks sufficient facts to allow Aspire to know how to prepare for the hearing and participate in a resolution session and mediation.

Student next asserts Aspire "wrongfully denied a comprehensive IEP evaluation" and sent an assessment plan after denying a need to evaluate Student. Neither assertion states a claim under the IDEA. The term "comprehensive IEP evaluation" is not defined within the complaint or the IDEA. If the allegation is meant to assert something different than the previous claim Aspire failed to assess Student in all areas of suspected disability, it must include a meaningful description of the problem and sufficient facts to make the substance of the issue understandable. Similarly, the assertion Aspire at first refused to assess and then sent an assessment plan does not contain sufficient facts to state a violation of the IDEA. Student neither describes how Aspire's changed position on assessing Student violated the IDEA nor includes facts asserting the change of position caused any technical violation due to delay or for other reasons. If the second

or third bulleted sub-issues were intended to present a claim, they are insufficiently pled.

Sub-issue four, the last bulleted sub-issue, asserts Aspire improperly conducted an assessment because it was not comprehensive and was missing disability-related evaluations. Claim A reports one assessment, a functional behavior analysis, was conducted. In context, the last sub-issue asserts the functional behavior analysis was not appropriately conducted. Accordingly, the claim is adequately pled. Aspire objects to this sub-issue because it does not assert who conducted the assessment or when it was conducted. Aspire is only responsible for assessments it conducted, and it has not asserted it is confused about which functional behavior analysis it conducted is at issue. The issue may make allegations Student cannot provide at hearing, but it is sufficiently pled.

Claim A next includes an allegation Aspire has refused to conduct independent educational evaluations previously approved by Los Angeles Unified School District. Aspire objects the complaint does not describe what independent evaluations were approved, when they were approved, or why Aspire is responsible for conducting them. The initial complaint in this matter listed psychoeducational functioning, functional behavior, adaptive behavior, speech and language, occupational therapy, trauma informed or neuropsychological needs, and transportation as the areas of independent assessment to which Los Angeles agreed. Whether Aspire is relieved of responsibility for the assessments because they are time-barred is a matter for hearing. Likewise, Student asserts in Count A that Aspire needs to honor the agreement because "responsibility to complete those [assessments] remains with the public agency." The validity of the assertion is a legal and factual matter to be resolved after hearing. The first non-bulleted issue in Claim A is sufficiently pled.

The final issue in Claim A assets Student's functional behavioral analysis was improperly conducted and inaccurate. As noted above, this issue is sufficiently pled. However, as understood in context, it is duplicative of bulleted issue four.

CLAIM B

Claim B contains two subclaims. The first asserts Aspire failed to approve Parent's requests for independent assessments, and the second asserts it refused to provide Student with transportation services and a one-to-one aide.

The allegation Aspire failed to agree to provide independent assessments is insufficiently pled. It does not assert, as appears in Claim A, Aspire failed to conduct the assessments agreed to by Los Angeles. Instead, it asserts Aspire refused to approve requests made by Parent. In order to provide Aspire with sufficient information to know how to prepare for the resolution session, mediation, and hearing, the claim must include the types of assessments requested and the dates of the requests by Parent. The first subclaim in Claim B is insufficiently pled.

The second sub-issue asserting Aspire failed to provide Student with transportation services and a one-to-one aide meets minimal pleading requirements. Aspire objects the statement of issue does not provide facts about whether Student is eligible for special education services, whether Student has an individualized education program, or what individualized education program is at issue. As Student attends Aspire, it is aware whether Student has eligibility and an individualized education program, but those facts are not necessary to plead the issue. Similarly, Student does not need to plead a particular educational program is at issue. Student asserts Aspire failed to provide services required to meet his needs due to disability, which persists

through Student's attendance at Aspire during the statutory limitations period. The second issue stated in Claim B is sufficiently pled.

CLAIM C

Claim C has two assertions. The first, which alleges Aspire failed to provide Student a free appropriate public education, is insufficiently pled. It does not describe the problem in any detail or contain any facts making the allegation understandable. If it refers to the violations of the IDEA previously set out, it is duplicative and unnecessary. If it is intended to state a new violation of the IDEA, it is insufficiently pled.

The second assertion in Claim C alleges Aspire delayed in filing for due process when Parent declined to sign an accommodation plan in September 2025. Aspire objects to this issue because it appears to be outside of OAH's jurisdiction and does not involve the provision of a free appropriate public education to Student. Matters connected to an accommodations plan are not within OAH's jurisdiction, but the issue here is sufficiency, not dismissal due to lack of jurisdiction. A dismissable claim may be sufficiently pled. This claim is sufficiently pled to enable Aspire to respond.

The issue does contain facts involving the provision of a free appropriate public education. Student asserts Parent and Aspire had a disagreement over an educational issue which obligated Aspire to file a due process hearing request. A party may bring a due process hearing request over "any matter" involving a student's education. Due process hearings are available on that basis to ensure every student gets a free appropriate public education. Student has presented a sufficient claim to enable Aspire to respond and defend. Student's second sub-issue in Claim C may not prevail, but it is sufficiently pled.

Aspire also asserts a further statement by Student regarding Aspire's documentation being inconsistent and contradictory is not sufficiently pled. The statement does not present a claim, especially in light of the section's heading "Failure to provide FAPE and retaliatory delay." The nature of the statement is as an observation and not an assertion of violation of the IDEA. If it is intended as an allegation, it is insufficiently pled as lacking facts and detail to make the allegation understandable.

A parent without an attorney may request 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. The fourth bulleted sub-issue in Claim A, the last non-bulleted issue in Claim A, the second issue in Claim B, and the second issue in Claim C are sufficient under title 20 United States Code section 1415(b)(7)(A)(ii).
2. All other issues in Student's complaint 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 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 the fourth bulleted sub-issue in Claim A, the last non-bulleted issue in

Claim A, the second issue in Claim B, and the second issue in Claim C in Student's complaint.

IT IS SO ORDERED.

Chris Butchko

Chris Butchko

Administrative Law Judge

Office of Administrative Hearings