BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

CHINO VALLEY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025100800

ORDER DETERMINING NON-EXPEDITED ISSUES IN DUE PROCESS COMPLAINT INSUFFICIENT

NOVEMBER 5, 2025

On October 20, 2025, Parents on behalf of Student filed a due process hearing request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Chino Valley Unified School District, called Chino Valley. OAH identified the complaint as having issues subject to both an expedited and non-expedited due process hearing. On November 5, 2025, Chino Valley 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 Board of Educ. v. Benton* (S.D.Ala. 2005) 406 F.Supp.2d 1248, 1259-1260; *Sammons v. Polk County School Board* (M.D.Fla., Oct. 28, 2005, 8:04CV2657T24EAJ) 2005 WL 2850076 [nonpub. opn.]; but cf. *M.S.-G v. Lenape Regional High School Dist. Board 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.)

ISSUE 1 IS EXPEDITED AND NOT SUBJECT TO A NOTICE OF INSUFFICIENCY

Title 20 United States Code section 1415(k)(3) permits a party to request an expedited hearing for specific reasons. Specifically, an expedited hearing can be requested to appeal a disciplinary change of placement, such as placement in an alternative education setting or a manifestation determination regarding student conduct. This section requires an expedited hearing start within 20 school days from the hearing request. There is no provision for expedited hearings under section 1415(k) to test the complaint's sufficiency. Indeed, there is insufficient time to complete the notice of insufficiency process in expedited hearings.

Issue 1 alleges Chino Valley improperly removed Student from his placement for more than 10 days without holding a manifestation determination meeting in violation of title 20 United States Code section 1415(k). Issue 1 requires an expedited hearing. Therefore, the notice of insufficiency is denied as to Issue 1 and the expedited hearing will proceed as scheduled on this issue.

ISSUES 2 AND 3 ARE INSUFFICIENTLY PLED

Issue 2 alleges Chino Valley denied Student a FAPE by failing to comprehensively assess him in all areas of suspected disability starting in October 2023 and continuing through the date the complaint was filed. The complaint contains one reference to Student have a diagnosis of attention deficit hyperactivity disorder. The complaint does not include facts that Chino Valley was notified of this diagnosis or facts explaining why Chino Valley should have suspected Student had a disability. The complaint also lacks

facts suggesting that Student's parents or a teacher referred Student for an assessment. Issue 2 is insufficiently pled for Chino Valley to participate in a resolution session and mediation and prepare for hearing. Therefore, the notice of insufficiency is granted as to Issue 2.

Issue 3 alleges Chino Valley denied Student a FAPE by failing to offer or implement an individualized education program, called IEP. As with Issue 2, the complaint lacks facts suggesting Chino Valley knew or should have known that Student was a child with a disability, or that Student's parents or teacher referred Student for a special education assessment. Issue 3 also appears to allege that Chino Valley failed to implement Student's IEP. However, the complaint does not allege Student was eligible for special education or that he had an IEP. The complaint is devoid of information about the date of the IEP, which services were not implemented, and for what period. These are necessary factual allegations about the problem to put Chino Valley on notice of Student's specific claims and to respond and participate in a resolution session and mediation and prepare for hearing. Therefore, the notice of insufficiency is granted as to Issue 3.

ORDER

1. Chino Valley's notice of insufficiency is denied as to Issue 1 because it requires an expedited hearing.
2. The expedited mediation, expedited prehearing conference, and expedited hearing dates in this matter are confirmed.
3. Student's complaint is insufficiently pled under title 20 United States Code section 1415(c)(2)(D) with respect to Issues 2 and 3.
4. Student is permitted to file an amended complaint under title 20 United States Code section 1415(c)(2)(E)(i)(II). 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.

5. If Student fails to file a timely amended complaint regarding any non-expedited issues, the non-expedited claims of the complaint will be dismissed.
6. The non-expedited prehearing conference and non-expedited hearing dates previously set in this matter are vacated.

IT IS SO ORDERED.

Jennifer Kelly

Jennifer Kelly
Administrative Law Judge
Office of Administrative Hearings