BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

GILROY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025030526

ORDER DETERMINING DUE PROCESS COMPLAINT PARTIALLY SUFFICIENT

MARCH 28, 2025

On March 12, 2025, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Gilroy Unified School District. On March 27, 2025, Gilroy 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, 1stSess. (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 Education 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 Education Of Children with Disabilities & Preschool Grants for Children with Disabilities* (Aug. 14, 2006) 71 Fed. Reg. 46,540-46,541, 46,699.)

DISCUSSION

Student's complaint alleges three numbered claims that Gilroy denied Student a free appropriate public education, called a FAPE, for the 2022-2023, 2023-2024, and 2024-2025 school years. Each claim includes the related extended school year period. Each claim includes a bulleted list of sub-issues reflecting Student's specific allegations for each school year at issue. Some of Student's issues are sufficient and some are insufficient. The issues are discussed below.

Student's Issue 1 includes claims that Gilroy denied Student FAPE, during the 2022-2023 school year, including the extended school year period, by failing to make an appropriate offer of special education and related services. Gilroy asserts that portions of this issue are insufficiently pled because they raise claims beyond the two-year statute of limitations and Student does not assert and provide facts for either of the two applicable exceptions.

Student's Issue 1 is insufficiently pled. Student fails to identify the date or dates of the IEP offers he is challenging which renders the complaint vague. It is unclear if Student is challenging an IEP offer made during the two-year statute of limitations or not, and if he is challenging more than one IEP offer. As pled, Student's Issue 1 covers a period of time outside of the two-year statute of limitations. (20 U.S.C. § 1415(f)(3)(C) & (D); Ed. Code, § 56505, subd. (*l*).) Moreover, Student does not allege he did not know of the facts underlying the basis of the claim in the two years prior to filing his complaint. Nor has Student alleged any exception to the statute of limitations that prevented Parent from timely filing the complaint. Issue 1 is insufficiently pled. If Student amends, he should identify the IEP at issue and the specific grounds each IEP offer is being challenged.

Student's Issue 2 alleges claims that Gilroy denied Student a FAPE during the 2023-2024 school year, including extended school year, by failing to timely assess Student in all areas of educational need and failing to make an appropriate offer of special education and related services. Student identifies only the January 16, 2024, IEP at issue during the 2023-2024 school year. If Student wishes to challenge additional offers of FAPE during the 2023-2024 school year, Student must amend his complaint. Student's Issue 2, as described above, gives Gilroy sufficient information to prepare for the resolution session, mediation, and due process hearing, and is sufficiently pled.

Student's Issue 3 alleges claims that Gilroy denied Student a FAPE during the 2024-2025 school year, including extended school year, by failing to make an appropriate offer of special education and related services. Student identifies only the September 12, 2024, IEP at issue during the 2024-2025 school year. If Student wishes to challenge additional offers of FAPE during the 2024-2025 school year, Student must amend his complaint. Student's Issue 3, as described above, gives Gilroy sufficient information to prepare for the resolution session, mediation, and due process hearing, and is sufficiently pled.

Finally, Student's complaint includes the required proposed resolutions to the problems Student identified in his complaint.

ORDER

1. Issue 2, and Issue 3, are sufficient under title 20 U.S.C. section 1415(b)(7)(A)(ii).
2. Issue 1 is 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 Issue 2, and Issue 3.

IT IS SO ORDERED.

Ashok Pathi

Ashok Pathi
Administrative Law Judge
Office of Administrative Hearings