BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025020306

ORDER DETERMINING DUE PROCESS COMPLAINT PARTIALLY INSUFFICIENT

FEBRUARY 24, 2025

On February 7, 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 Los Angeles Unified School District as respondent. On February 21, 2025, Los Angeles 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 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.)

Los Angeles asserts that Student's allegations are vague and overly broad, lacking the specific facts required for Los Angeles have a chance to address, clarify or correct the specific concerns through prior written notice, resolution session, mediation, or IEP. Los Angeles also contends Student's remedies for resolution of "problem #2" fail to reveal the nature of the costs Parents incurred for educational programming.

As examples of the allegations Los Angeles believes are insufficient, it points to Student's assertion that the present levels of performance in Student's June 7, 2024 IEP are "far from clear", contained, "dated information", and "were not complete or necessarily accurate." Los Angeles argues these allegations were not accompanied by facts regarding what was unclear, was what inaccurate or the present levels involved. Los Angeles notes the June 7, 2024 IEP contained nine pages of information concerning Student's present levels of performance.

Los Angeles also argues that Student's contentions regarding Goals are too broadly and vaguely alleged. Los Angeles contends that Student's allegations that the June 7, 2024 IEP goals "seems to have been derived from a goal bank and may or may not have been related to David's actual unique and individualized needs," is not an allegation that allows it to understand which or even whether the goals in the IEP serve Student's needs. Los Angeles also points to Student's allegation that the goals will not lead to generalization or skills and are not measurable" and argues that, without facts as to which goals are being challenged, Los Angeles cannot know which goals Student asserts fail to meet his needs.

Los Angeles also contends the allegation that Student's placement was inappropriate fails to offer facts as to why it was inappropriate. Los Angeles notes the complaint cites trauma suffered at the District but fails to offer any facts regarding the alleged trauma or how it impacted the appropriateness of the offered placement.

Finally, Los Angeles contends Student's proposed resolution #2 fails to offer any facts regarding the nature of the expenses being sought for reimbursement. Los Angeles argues that, without additional information, it is unable to investigate whether the expenses might be appropriate for reimbursement.

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].) Los Angeles has offered no persuasive legal authority requiring Student to plead every fact supporting his case to state a request for due process claim. In this case, however, some of the allegations of the complaint do not meet the minimum pleading standards, as is explained more fully later in this order.

COMPLAINT PARTIALLY INSUFFICIENT

PROBLEM NUMBER ONE INSUFFICIENT

Student's problem number one alleges,

> "Through due process filings, the District agreed to provide reimbursement for some of the costs incurred by the family through the end of the 2023-2024 regular school year. Unfortunately, as of the time of this filing, although the family has submitted all necessary documentation, the District has knowingly and intentionally failed and refused to provide the agreed to funding and, in doing so, has denied Student the educational programming and services to which is had otherwise agreed."

Student's problem number one goes on to request full reimbursement plus an additional $500 per day for delay in paying. Student fails to identify how this is an IDEA

violation; or how Los Angeles denied Student educational programming and services. Student's problem number one fails to give Los Angeles adequate information on which it can prepare for resolution session, mediation or hearing and is insufficient.

PROBLEM NUMBER TWO PARTIALLY SUFFICIENT

Student's problem number two fails to sufficiently describe some aspects of the June 7, 2024, IEP asserted as being inadequate.

Student complains the location of the June 7, 2024 IEP was unclear. This is a sufficient allegation.

Student complains that no progress report on goals was given in the June 7, 2024 IEP. This is a clear allegation.

Student complains the present levels of performance are not complete and questions their accuracy. This is an adequately clear allegation pursuant to minimum pleading standards applicable to a special education request for due process hearing.

Stating that goals "seem to have been derived from a goal bank" and "may or may not have been" related to Student's needs," while not an entirely clear allegation, does meet the minimum pleading standards of special education law given its broad remedial purpose. The allegations that the goals will not lead to any generalization of skills and are not capable of being measured are also sufficient claims"

Student's allegations regarding placement include a failure to offer transportation. This is a sufficiently clear allegation. Also adequately clear is that allegation that Los Angeles "offered some unspecified form of assistive technology support for both the regular session and ESY." The assistive technology allegation is more fully explained by Student's assertion that "the vague and obtuse" notes in the

comment section that did not identify specific assistive technology equipment or services.

Student's assertion that the IEP included "an enormously long list of accommodations" is not an allegation that the accommodations were inadequate. Nor is Student's allegation that "there is no service in the IEP to provide for the full time support necessary for the general education teacher to implement those accommodations." It is unclear whether Student is complaining that the classroom staffing was inadequate; some other teacher support was necessary and not offered; or that student required a one-to-one aide. This allegation fails to give Los Angeles the facts necessary to understand the IDEA or California special education law violation being alleged. This allegations are insufficient.

Student's allegations that related services are written with a "frequency band" of 1-10 times without description of service delivery model is sufficient. This includes allegations related to speech and language, and "RSP" services. Student's allegation that BID/BII services offered without description of how the service will be provided or the qualifications of the services provider is also sufficient.

Student's allegation that Los Angeles' offer of placement at Hollywood High School did not meet his needs is sufficient.

PROPOSED RESOLUTION NUMBER 2

Student's proposed resolution number two requests "relief according to proof at hearing including but not limited to, full reimbursement to the family for all costs it has incurred, and will incur, to provide Student with educational programming for the 2024-2025 school year." A complaint is required to include proposed resolutions to the problem, to the extent known and available to the party at the time. (20 U.S.C.

§1415(b)(7)(A)(ii)(IV).) Student has met the statutorily required standard regarding proposed resolutions.

ORDER

1. Problem 1 in Student's complaint is insufficiently pled under title 20 United States Code section 1415(c)(2)(D).
2. The following allegations of Problem number two are sufficiently pled under title 20 U.S.C. section 1415(b)(7)(A)(ii):
    a. The allegation that the location of the June 7, 2024 IEP is unclear;
    b. The allegation that no progress report on goals was given in the June 7, 2024 IEP;
    c. The allegation that no transportation was offered in the June 7, 2024 IEP;
    d. The allegation that present levels of performance were not complete and inaccurate;
    e. The allegations that goals were not drafted to meet Student's unique needs, would not lead to a generalization of skills and were not measurable;
    f. The allegation that no supports were included in the June 7, 2024 IEP for Student to be able to participate in non-academic and extracurricular activities"
    g. The allegation that the June 7, 2024 IEP assistive technology offer lacked specificity as to the equipment and services being offered;
    h. The allegation that speech and language and "RSP" services offered were insufficiently clear;

i. The allegations that "BID/BII services offered without description of how the service will be provided or the qualifications of the services provider;" and

j. The allegation that the offered placement at Hollywood High School in the June 7, 2024 IEP did not meet Student's needs.

3. The allegation that there is no service in the IEP to provide for the full time support necessary for the general education teacher to implement the enormously long list of accommodations of problem two is insufficiently pled under title 20 United States Code section 1415(c)(2)(D):
4. Student shall be permitted to file an amended complaint under title 20 United States Code section 1415(c)(2)(E)(i)(II).
5. 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.
6. If Student fails to file a timely amended complaint, the hearing shall proceed only on those issues in problem number 2 of the complaint identified as sufficient in item #2 of this order.
7. Nothing in the order prevents an Administrative Law Judge from further clarifying the issues during a prehearing conference.

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl

Administrative Law Judge, Office of Administrative Hearings