BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

INSPIRE SCHOOL OF ARTS & SCIENCES.

OAH CASE NUMBER 2026080289

ORDER DETERMINING DUE PROCESS COMPLAINT INSUFFICIENT

AUGUST 28, 2026

On August 10, 2026, Student filed a due process hearing request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Inspire School of Arts & Sciences. On August 25, 2026, Inspire 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 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 eight insufficiently pled issues. Student's complaint lists the issues with a note to "see attached complaint." However, the attached complaint is seven exhibit documents, Student's individualized education program, or

IEP; Parents' written meeting notes, objections to the IEP, and emails with Inspire; and Student's prior assessment reports. Student did not include any additional facts or allegations aside from the issue statements in the complaint. The issues as listed in the OAH form complaint lack any description or facts.

Issue 1 alleges Inspire denied Student a free appropriate public education because of a "substantive inability to implement operative IEP via Edgenuity (see attachment pages 1 & 2)."

Issue 2 alleges a "unilateral implementation of independent study prior to an IEP team determination and violation of California independent study requirements (see attachment pages 3 & 4)."

Issue 3 alleges a "failure to implement least restrictive environment requirements and failure to consider supplementary aids and services."

Issue 4 alleges "predetermination of placement and lack of meaningful parent participation (see attachment page 6)."

Issue 5 alleges a "failure to provide prior written notice (see attachment page 7)."

Issue 6 alleges a "failure to implement assistive technology, accommodations, and supports identified in Student's IEP (see attachment page 8 & 9)."

Issue 7 alleges a "failure to address transition needs and disability-related supports (see attachment page 10)."

Issue 8 alleges a "retaliatory pattern following Parent advocacy regarding Student's special education rights (see attachment page 11)."

Student does not provide any additional information regarding any of the issues except to see attached exhibits. Parties do not need to include exhibits when filing a complaint, and exhibits are not read or considered part of a complaint. However, parties are required to describe the problem relating student's identification, evaluation, educational placement, or provision of FAPE and include facts about the problem. Here, Student only listed the issue statements. Student failed to include any description about the problem or facts related to the problem. Consequently, the complaint fails to provide Inspire with the required problem description and the facts relating to the problem.

Student's form complaint also fails to list any proposed resolutions. The form complaint refers the reader to pages 12 and 13 of the attachment. However, OAH did not receive an attachment to Student's complaint, only an attachment with exhibits. 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 not met the statutorily required standard of stating a resolution to the extent known and available to him at the time.

A parent without an attorney may request that 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. Student's complaint is insufficiently pled under section title 20 United States Code section 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 United States Code 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.

Linda Dowd

Linda Dowd

Administrative Law Judge

Office of Administrative Hearings