BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

CARPINTERIA UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025050650

ORDER DETERMINING EXPEDITED ISSUES SUFFICIENT AND NON-EXPEDITED ISSUES INSUFFICIENT

MAY 29, 2025

On May 14, 2025, Parents on behalf of Student filed a due process hearing request, called a complaint, with the Office of Administrative Hearings, called OAH, naming Carpinteria Unified School District. The complaint included expedited and non-expedited issues. As a result, OAH scheduled the complaint for dual expedited and non-expedited procedures. On May 29, 2025, Carpinteria filed a Notice of Insufficiency as to the complaint, on the grounds that it is vague, confusing, and lacks sufficient facts.

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.)

SUFFICIENCY DETERMINATION PROCESS NOT AVAILABLE FOR EXPEDITED CLAIMS

Title 20 United States Code section 1415(k)(3) permits a party to request an expedited hearing for specified reasons. An expedited hearing can be requested to appeal a disciplinary change of placement, such as placement in an alternative education setting, or to appeal a manifestation determination regarding student conduct. The IDEA requires an expedited hearing start within 20 school days from the hearing request. Section 1415(k) does not include a provision to test the complaint's

sufficiency. Indeed, there is insufficient time to complete the NOI process in expedited hearings.

Student raised five issues in the complaint.

1. Whether CUSD denied Student a FAPE by failing to timely assess him in all areas of suspected disability.
2. Whether CUSD denied Student a FAPE by denying parent participation when refusing to allow Student lack of trust in CUSD staff and its impact on his ability to benefit from his education be addressed through his IEP.
3. Whether CUSD denied Student a FAPE by failing to offer him appropriate behavior support.
4. Whether CUSD denied Student a FAPE by failing to provide him with education to make up for time lost due to suspensions from the educational setting in and out of school.
5. Whether CUSD denied Student a FAPE by using suspensions and threats of expulsion improperly according to law.

Based on how Student drafted the complaint, Issue Five could be construed to include both expedited and non-expedited claims. Regarding all the non-expedited Issues One through Five, Student failed to specify any timeframe of the alleged violations. Thus, Student's non-expedited Issues One through Five are insufficient and failed to give Carpentaria sufficient notice to prepare for mediation, due process hearing, and a defense.

Further Issue One also failed to describe when Carpentaria Unified should have assessed Student, and in what areas. Issue Two is confusing, unclear as to the allegation, and what individualized education program Student is referring to. Issue

Four is vague as to the education Carpinteria failed to provide. Issue Five failed to provide sufficient facts related to how suspensions and threats for expulsion were used improperly.

For these reasons, the non-expedited Issues One through Five are insufficient. However, Issue five also gives rise to an expedited claim, specifically challenging the legal sufficiency of suspensions. As the expedited portion of the claim is not subject to the sufficiency determination, this issue stands.

ORDER

1. The expedited claims are not subject to a sufficiency determination as such a procedure is not provide for in the IDEA. (20 U.S.C. 1415(k)(3(B).) All dates related to the expedited mediation, prehearing conference, and due process hearing will remain on calendar.
2. The non-expedited Issues One through Five are insufficiently pled under title 20 United States Code section 1415(c)(2)(D). All dates related to the non-expedited prehearing conference and due process hearing are vacated.
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 all non-expedited issues.

5. If Student fails to file a timely amended complaint, the hearing shall proceed only related to the expedited issue.

IT IS SO ORDERED.

Cynthia Fritz

Cynthia Fritz

Administrative Law Judge

Office of Administrative Hearings