BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

PETALUMA CITY SCHOOLS.

OAH CASE NUMBER 2025010665

ORDER DETERMINING DUE PROCESS COMPLAINT PARTIALLY SUFFICIENT

FEBRUARY 3, 2025

On January 21, 2025, Student filed a request for due process hearing, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Petaluma City Schools. On January 30, 2025, Petaluma filed a notice of insufficiency as to the complaint. OAH did not receive a response from Student.

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.)

Petaluma City contends that Student insufficiently pled each of the 17 issues alleged in his complaint. Petaluma City contends that Student must provide dates of each individualized education program, called an IEP, at issue, or provide more specific dates related to each issue. Petaluma City also contends that Student has not identified assessments at issue or the impact of any alleged procedural violations.

Student makes several factual allegations in the first 10 pages of his complaint, which serve as a basis for the following 17 issues. This order refers to Issues by number, rather than letter.

Student makes allegations pertaining, specifically, to the 2023-2024 and 2024-2025 school years, concluding that Petaluma City denied Student a free appropriate public education, called a FAPE. While it would be helpful for Student to identify the IEPs by date, the law does not require such specificity regarding all issues pled. Any further clarification can be made during the prehearing conference in this matter, should the administrative law judge clarifying the issues deem that necessary, with the exception of Issue 17, as explained below.

Student pled facts sufficient to support Issues 1 through 16 and provide Petaluma City with sufficient information to know how to prepare for the hearing and how to participate in resolution session and mediation. For example, facts included in the description of Issue 1 indicate that Student alleges Petaluma City denied Student a FAPE by failing to offer Student a one-to-one aide to assist with behavior issues, that Student needs focused attention by a trained professional, and the lack of such help resulted in an unsafe learning environment. Page four of the complaint alleges Student

required a safety plan to guard against elopement, a recurrent safety issue. Subsequent allegations reiterate the need for a trained one-to-one aide to help keep Student safe and focused on learning. Allegations supporting Issue 1 provide an awareness and understanding of the issues forming the basis of the complaint.

In Issue 2, Student alleges that Petaluma City failed to assess Student's behavior. Issue 2 provides Petaluma City with sufficient information to know how to prepare for the hearing and how to participate in resolution session and mediation. Student also alleges Petaluma City failed to, generally, offer appropriate support and services and proper baselines and goals. To the extent Student wishes to bring additional issues to hearing, Student may amend the complaint.

In Issue 3, Student alleges Petaluma City failed to offer Student placement in the least restrictive environment appropriate for him. Student alleges, in support of the issue, that Petaluma City failed to discuss a continuum of placement offers. Student also alleges general education with a fully trained one-to-one aide, with pull-out specialized academic instruction in a one-to-one environment constitutes Student's least restrictive environment. Issue 3 alleges facts sufficient to support the claim and provide Petaluma City with sufficient information to know how to prepare for hearing and participate in resolution session and mediation.

In Issue 4, Student's allegations, taken as a whole, allege Petaluma City failed to offer objective and measurable academic and behavior goals. To the extent Student also alleges a failure to discuss the findings of Petaluma City's functional behavior assessment, Student may amend his complaint to state this as a separate issue. Student's superfluous information does not make Issue 4 insufficient. Issue 4 provides Petaluma City with sufficient information to know how to prepare for hearing and participate in resolution session and mediation.

In Issue 5, Student alleges that Petaluma City ignored written or verbal requests from Parents for assessments. Student alleges he needed assessments in functional behavior, psychoeducation, and special circumstances instructional assistance. Issue 5 provides Petaluma City with sufficient information to know how to prepare for hearing and participate in resolution session and mediation.

In Issue 6, Student alleges Petaluma City denied meaningful parental participation in the development of Student's IEPs by not considering any suggestions, ideas, or requests over the relevant period. Student provides examples in support of the claim. Issue 6 provides Petaluma City with sufficient information know how to prepare for the hearing and participate in mediation and resolution session.

In Issue 7, Student alleges Petaluma City failed to provide appropriate information upon which they could base informed consent to Student's placement and aide. Student provides further explanation in support of the issue, providing Petaluma City with sufficient information to prepare for and participate in hearing, mediation, and resolution session.

In Issue 8, Student alleges Petaluma City predetermined Student's IEPs. Allegations following the issue provide examples of what Student alleges Petaluma City did or did not do, in support of the issue. Student provided Petaluma City with sufficient information to prepare for and participate in hearing, mediation, and resolution session.

In Issue 9, Student alleges Petaluma City failed to ensure all necessary IEP team members attended each IEP team meeting. Student alleges examples supporting the issue, providing Petaluma City with sufficient information to prepare for and participate in hearing, mediation, and resolution session.

In Issue 10, Student alleges Petaluma City failed to appropriately address social-emotional, academic, and safety needs in his IEPs. Student provided examples supporting the issue, providing Petaluma City with sufficient information to prepare for and participate in hearing, mediation, and resolution session.

In Issue 11, Student alleges Petaluma City failed to provide Student with a safe learning environment. Student provided examples supporting the issue, providing Petaluma City with sufficient information to prepare for and participate in hearing, mediation, and resolution session.

In Issue 12, Student alleges Petaluma City failed to offer an appropriate continuum of placement options. Student explains that Parents presented the option of a regular class placement with an aide, which Student contends Petaluma did not consider. Student's Issue 12 provides Petaluma City with sufficient information to prepare for and participate in hearing, mediation, and resolution session.

In Issue 13, Student alleges Petaluma City failed to conduct an appropriate functional behavior assessment, which Student contends was completed in December 2024. Student provides supporting allegations, providing Petaluma City with sufficient information to prepare for and participate in hearing, mediation, and resolution session.

In Issue 14, Student alleges Petaluma City failed to provide appropriate reports regarding Student's goal progress. Student provides supporting allegations, providing Petaluma City with sufficient information to prepare for and participate in hearing, mediation, and resolution session.

In Issue 15, Student alleges Petaluma City failed to provide timely emergency behavior reports to Parents. Student provides supporting allegations, providing

Petaluma City with sufficient information to prepare for and participate in hearing, mediation, and resolution session.

In Issue 16, Student alleges Petaluma City failed to offer Student a one-to-one behavior aide. Issue 16 appears to be duplicative of Issue 1. Student may amend his complaint or dismiss the issue before or during the prehearing conference. However, the issue speaks for itself, in terms of providing Petaluma City with sufficient information to prepare for and participate in hearing, mediation, and resolution session.

In Issue 17, Student alleges Petaluma City materially failed to implement Student's IEP. Student alleges Petaluma City coerced Parents into signing an IEP document but did not implement the program. Student does not allege that Petaluma City failed to implement all of his IEPs. Student refers to various IEPs as being insufficient but does not identify a specific IEP that Petaluma City failed to implement. Implementation claims must be analyzed in reference to specific IEP documents. (See *Van Duyn v Baker School Dist.* (9th Cir. 2007) 502 F3d 811.) Student's allegations regarding Issue 17 are vague and confusing, making the issue insufficient.

ORDER

1. Issues 1 through 16 of Student's complaint are sufficient under title 20 United States Code section 1415(b)(7)(A)(ii).
2. Issue 17 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 United States Code 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 Issues 1 through 16 of Student's complaint.

Cole Dalton

Cole Dalton

Administrative Law Judge

Office of Administrative Hearings