

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

BALDWIN PARK UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026071013

ORDER DETERMINING DUE PROCESS COMPLAINT

PARTIALLY SUFFICIENT

AUGUST 6, 2026

On July 22, 2026, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Baldwin Park Unified School District. On August 4, 2026, Baldwin Park 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).

The complaint is deemed sufficient unless a party notifies OAH and the other party in writing within 15 days of receiving the complaint that the party believes the complaint has not met the notice requirements. (20 U.S.C. § 1415(c)(2)(C); Ed. Code, § 56502, subd. (d)(1).) Baldwin park filed a timely Notice of Insufficiency.

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.)

DISCUSSION

Student alleged nine issues some of which are sufficient and others are insufficient as discussed below.

ISSUE ONE IS SUFFICIENT

As to Issue One, Student alleged Baldwin Park denied Student a free appropriate public education, called FAPE, at January 23, 2026, individualized education program, called IEP, team meeting, by failing to assess. Baldwin Park argued the issue is insufficient because Student failed to plead facts establishing what assessments were required, when consent was provided), or how Baldwin Park's alleged conduct violated specific procedural timelines.

Under Issue One, Student stated that the Baldwin Park omitted essential evaluations in processing skills, adaptive skills, motor abilities, and social-emotional/behavioral functioning. Thus, it gave Baldwin Park the time period at issue and the types of assessments that Student believes were required. Student's Issue One is sufficiently pled to put Baldwin Park on notice as to the basis of this claim.

ISSUE TWO IS PARTIALLY SUFFICIENT

Student's Issue Two alleged that Baldwin Park denied Student a FAPE at the January 23, 2026, IEP team meeting by denying meaningful parental participation and predetermination. Student further explains that by not having access to current, comprehensive assessment data, the parents could not objectively discuss goals or

placement of their child. Thus, Student's allegation regarding parental participation is sufficiently pled because it gives sufficient facts to put Baldwin Park on notice as to the basis of parental participation claim.

Student further argued that because the resulting IEP was based on insufficient and outdated data, it constituted a predetermined offer rather than an individualized program tailored to the Student's actual present levels. Student did not plead sufficient facts to give Baldwin Park notice regarding what in the IEP was predetermined. The statement Student gives regarding predetermination is vague and uncertain. Thus, Student's Issue Two, as it relates to predetermination only, is insufficient.

ISSUE THREE IS SUFFICIENT

As to Issue Three, Student alleged Baldwin Park denied Student a FAPE at the January 23, 2026, IEP team meeting by lack of a prior written notice. Baldwin Park argued that Student failed to allege any facts establishing a refusal of services or assessments and the mere absence of a prior written notice does not constitute a procedural violation.

Here, Student explained that the IEP team did not provide any supporting documents to show that either a mutual agreement between the parent and the local educational agency explicitly agreed that the assessments were unneeded. Baldwin Park did not provide a prior written notice to waive the triennial assessment evaluation.

While Baldwin Park does not agree that this is the legal standard required for a prior written notice, Student's Issue Three is sufficiently pled to put Baldwin Park on notice as to the basis of this claim.

ISSUE FOUR IS SUFFICIENT

Student's Issue Four alleged that Baldwin Park failed to offer a functional behavioral assessment. Student explained that Baldwin Park's failure to conduct a functional behavior assessment in preparation for the January 23, 2026, IEP team meeting denied Student a FAPE. Student also alleged that Baldwin Park was on notice of Student's frustration and anxiety to put them notice to conduct a functional behavior assessment. Baldwin Park argues that Student failed to plead that Student's behavior impeded learning of self or others, that parents requested a functional behavior assessments, or that disciplinary removals or significant behavioral incidents occurred triggering an obligation to conduct it. While Baldwin Park does not agree with Student that the facts presented meet the legal standard, Student's Issue Four is sufficiently pled to put Baldwin Park on notice as to the basis of this claim.

ISSUE FIVE IS SUFFICIENT

Student's Issue Five alleged that Baldwin Park denied Student a FAPE at the January 23, 2025, and January 23, 2026, IEP team meetings, by failing to offer parent counseling and training. Student further explained that Student's diagnosis are complex, but Baldwin Park failed to offer any parent counseling and training. Baldwin Park does not believe this is sufficient. However, the issue provided sufficient facts such that it puts Baldwin Park on notice as to the basis of this claim.

ISSUE SIX IS INSUFFICIENT

Student's Issue Six alleged that Baldwin Park denied Student a FAPE by failing to offer an adequate individual transition plan at the 2025 and 2026 IEP's. Baldwin Park argues that Student failed to plead any specific deficiencies.

Student failed to plead any facts to support this contention. Student's Issue Six is insufficient and failed to put Baldwin Park on notice as to the basis of this claim.

ISSUE SEVEN IS SUFFICIENT

Student's Issue Seven alleged that Baldwin Park denied Student a FAPE beginning March 8, 2022, to the time of filing, by failing to address regression in reading and math. Baldwin Park alleges that this is time-barred due to the statute of limitations, and Student failed to present any facts related to the statute of limitations.

Here, Student did state facts related to tolling the statute of limitations. Student alleged that Parents did not become aware of the underlying facts that Baldwin Park was in violation of IDEA until it sought counsel to understand if they had a legal claim. Thus, while Baldwin Park may not agree that this is a legally sufficient basis, Student gave sufficient facts related to the statute of limitations to put Baldwin Park on notice as to the basis of this claim. Student's Issue Seven is sufficient

ISSUE EIGHT IS SUFFICIENT

Student's Issue Eight alleged that Baldwin Park denied Student a FAPE by failing to provide adequate goals at the February 16, 2023, IEP team meeting. Baldwin Park alleged this issue is time-barred under the statute of limitations. As discussed above, Student alleged sufficient facts to put Baldwin Park on notice of its basis for tolling the statute of limitations.

Baldwin Park also argued that the Student failed to plead sufficient facts related to the goals. However, Student alleged that Student's goals in the February 16, 2023, IEP were not appropriately ambitious. Student further stated the goals neither introduced new skills in identified areas of need nor facilitated measurable growth in

existing ones, and were not integrated with Student's transition plan. Student's Issue Eight is sufficiently pled to put Baldwin Park on notice as to the basis of this claim.

ISSUE NINE IS SUFFICIENT

Student alleged that Baldwin Park failed to provide an occupational therapy assessment at the January 23, 2026, IEP. Baldwin Park argued that Student failed to allege facts that occupational therapy was a suspected disability.

Here, Student further explained that Baldwin Park failed to assess for motor abilities, and failed in its duty to determine Student's current need for occupational therapy services. Student's Issue Nine is sufficiently pled to put Baldwin Park on notice as to the basis of this claim.

ORDER

1. Student's Issues One, Two as to parental participation only, Three, Four, Five, Seven, Eight, and Nine, in Student's complaint, are sufficient under title 20 U.S.C. section 1415(b)(7)(A)(ii).
2. Student's Issues Two as to predetermination only, and Six are 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 Issues One, Three, Four, Five, Seven, Eight, Nine, and Issue Two as to parental participation only, in Student's complaint.

IT IS SO ORDERED.

A handwritten signature in cursive script that reads "Cynthia Fritz".

Cynthia Fritz

Administrative Law Judge

Office of Administrative Hearings