

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

VALLEY VIEW CHARTER MONTESSORI AND BUCKEYE UNION
SCHOOL DISTRICT.

OAH CASE NUMBER 2026080390

ORDER DETERMINING DUE PROCESS COMPLAINT
INSUFFICIENT

SEPTEMBER 28, 2026

On August 10, 2026, Parents on behalf of Student filed a due process hearing request, called a complaint, with the Office of Administrative Hearings, naming Valley View Charter Montessori, called Valey View, and Buckeye Union School District, called Buckeye. The Office of Administrative Hearings is called OAH.

On September 9, 2026, Student filed an amended complaint, as permitted by OAH Order dated August 28, 2026, finding Student's complaint insufficient.

On September 23, 2026, Buckeye filed a notice of insufficiency as to the amended complaint. On September 28, 2026, Student filed an opposition.

A party has the right to present a complaint with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to such child. (20 U.S.C. § 1415(b)(6); Ed. Code, § 56501, subd. (a).)

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, and 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.)

The first amended complaint alleges four claims, labeled A through D.

The facts alleged at Issue A are insufficient to state a claim. Issue A is entitled "Education Code Section 47605(e)(1)-(2)- Disability-Based Charter Enrollment Practice Connected to the IDEA/FAPE Determination." The amended complaint alleges at Issue A that Student was enrolled in Buckeye by lottery, but Buckeye declined to place Student at Parents' preferred school, charter school Valley View. Instead, Buckeye offered to fully implement Student's existing IEP at a different Buckeye school. On these facts, neither Buckeye nor Valley View proposed a change to Student's educational program or placement, or to the provision of a FAPE to Student. The claim at Issue A is based on Buckeye's lottery policies and criteria, and allegations Student was discriminated against as a child with a disability by those policies. While such a claim may be the basis of a complaint to the California Department of Education, or a court claim under discrimination statutes, that policy dispute does not state a claim for denial of FAPE.

The facts alleged at Issue B are insufficient to state a claim. Issue B is entitled "Education Code Section 47605(e)(4)(B) - Disability Records Required Before Completion of Enrollment and Used for the FAPE/Site Determination." At Issue B, the amended complaint alleges Parents were required to provide Student's IEP as part of the Buckeye

enrollment process, which resulted in an offer to implement Student's existing IEP at a school other than Valley View, to which Parents did not consent. Student does not allege sufficient facts to provide an awareness and understanding of the issues forming the basis of Issue B, particularly as Student fails to allege any facts on which Buckeye or Valley View proposed a change to Student's educational program or placement, or the provision of a FAPE to Student.

The facts alleged at Issue C are insufficient to state a claim. Issue C is entitled "Denial of FAPE/Failure to Comply with Charter-School Special-Education Obligations — 34 C.F.R. Section 300.209(b)." At Issue C, the amended complaint alleges Student could not be assigned to Parents' preferred school because Buckeye had not sufficiently funded speech therapy services at Valley View and the speech-language caseload was at capacity at that location. Section 300.209 of the Code of Federal Regulations is a funding regulation that requires local education agencies to provide proportionate funding to charter schools to ensure children with disabilities attending charter schools are served in the same manner as other schools within the local educational agency. This regulation is not the basis of a claim regarding the identification, evaluation, educational placement, or provision of FAPE to any individual student. Student's allegations at Issue C that Buckeye and Valley View are not in compliance with Section 300.209 funding allocations fails to state a claim for denial of FAPE to Student.

In addition, at Issue C, Student alleges that OAH "applies" Section 300.209 to ensure children with disabilities enrolled in charter schools have IDEA-compliant programs, citing the Decision in OAH case number 2016030188. However, although that Decision recognizes the regulation's general purpose of assuring equal access, and a similar purpose in a California state funding statute at Education Code, section 47646, subdivision (a), the Decision applies IDEA statutes and relevant case law, not funding

regulations, in determining whether denials of FAPE occurred. Student cannot state an individual claim for denial of FAPE under the IDEA against Buckeye or Valley View for failure to comply with statewide funding mandates.

The facts alleged at Issue D are insufficient to state a claim. Issue D is entitled "Failure to Provide Legally Compliant Prior Written Notice, Predetermination, and Denial of Meaningful Parental Participation - 34 C.F.R. Sections 300.501 and 300.503; Education Code Section 56500.4." The amended complaint alleges Student was entitled to prior written notice based on the school assignment decisions made upon Student's enrollment. However, none of the alleged actions by Buckeye or Valley View were regarding the identification, evaluation, educational placement, or provision of FAPE to Student. Therefore, Student fails to state a claim for denial of FAPE by alleging a lack of written explanation of those actions to Parents, or lack of Parents' participation in the determination of those actions.

In summary, with regard to Issues A, B, C and D of the amended complaint, Student has failed to state sufficient facts supporting a claim under the IDEA for a denial of FAPE, and Student's amended complaint is insufficient.

Student will be granted leave to amend. If, and to the extent, Student contends Buckeye or Valley Vista failed to offer Student a FAPE, or offered a program that did not comply with Student's existing IEP, Student should allege facts describing those claims specifically.

Student must allege facts describing a problem relating to either Buckeye or Valley View, or both, identifying Student's educational needs, evaluating Student, proposing to change Student's educational placement, or proposing to change the provision of a FAPE to Student. The jurisdiction of OAH is limited to determining denials

of FAPE for an individual child. (See *Wyner v. Manhattan Beach Unified Sch. Dist.* (9th Cir. 2000) 223 F.3d 1026, 1028-1029.) OAH cannot decide issues of school district enrollment practices, statewide funding obligations, discrimination, or violation of other civil rights, and Student cannot state an IDEA claim based on those matters.

ORDER

1. Student's amended complaint is insufficiently pled under title 20 United States Code section 1415(c)(2)(D).
2. Student will be permitted to file a second amended complaint under title 20 United States Code section 1415(c)(2)(E)(i)(II).
3. The second amended complaint shall comply with the requirements of title 20 United States Code section 1415(b)(7)(A)(ii), and must 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.

Alexa Hohensee

Alexa Hohensee

Administrative Law Judge

Office of Administrative Hearings