BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

CONEJO VALLEY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026040696

ORDER DETERMINING DUE PROCESS COMPLAINT PARTIALLY SUFFICIENT

MAY 6, 2026

On April 14, 2026, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Conejo Unified School District, called District. The complaint was served on District by U.S. Mail on April 13, 2026, and received by District on April 17, 2026. On May 1, 2026, District 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).)

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, called FAPE; (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)(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, *3; *Escambia County Board of Education v. Benton* (S.D. Ala. 2005) 406 F.Supp.2d 1248, 1259-1260; *Sammons v. Polk County School Board* (M.D.Fla., Oct. 28, 2005, 8:04CV2657T24EAJ) 2005 WL 2850076, *4; Cf. *M.S.-G v. Lenape Regional High School Dist. Board of Education* (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 Education of Children with Disabilities and Preschool Grants for Children with Disabilities* (Aug. 14, 2006) 71 Fed. Reg. 46,540-01, 46699.)

DISCUSSION

COUNT ONE IS INSUFFICIENT

Student's complaint divides up his claims into five counts. The first count asserts that District denied Student a FAPE, by failing to provide appropriate special education and related services, specifically, to provide an adequate level of paraprofessional and behavioral support.

District asserts that the first claim is insufficient because Student fails to allege when this violation took place. District argues that there are no specific facts alleged related to the 2024-2025 school year. It asserts the claim is vague as to timeframe and does not provide the factual specificity required to afford District notice.

The first count is insufficient. Count one is vague and ambiguous. By using the word "provide," it is unclear if Student is challenging the inadequacy of an offer made in an individualized education program offer, called an IEP offer, or the failure to implement an IEP. It is unclear which IEPs are at issue, if the challenge is to the offer, and which IEPs, if any, Student claims District failed to implement.

In the body of the pleading Student references the 2024-2025 school year as to the adequacy of the paraprofessional and behavioral support, but no IEPs are identified during that school year. Student references several IEPs occurring during the 2025-2026 school year, but again Student fails to state if any, all, or some of these IEPs are the IEPs at issue in count one.

If the challenge is a failure in the IEP to offer an adequate level of paraprofessional and behavioral support, Student does not make that clear or identify which IEPs are at issue. If the claim is a failure to implement the paraprofessional or behavioral support offered in the IEP, Student does not make that clear or identify the IEP allegedly not implemented and for what period.

By using the word "provide" and by failing to identify the IEPs at issue, Student's complaint is too vague for District to understand the specific claims Student's claims is making and which IEPs are at issue. Without clarifying the claims, the first count fails to provide a sufficient description of the facts relating to the problem. Student should be mindful the adequacy of an IEP offer is determined by looking at what was reasonable at the time the IEP was developed, often called the "snapshot rule." (*J.W. v. Fresno* (9th Cir. 2010) 626 F.3d 431, 439; *Adams v. State of Oregon* (9th Cir. 1999) 195 F.3d 1141, 1149, citing *Fuhrmann v. East Hanover Board of Education* (3d Cir. 1993) 993 F.2d 1031, 1041.) Thus, each IEP is analyzed as a separate "snapshot" or separate issue.

COUNT TWO IS INSUFFICIENT

Student's second count alleges District denied Student a FAPE by failing to implement the speech services required by her IEP, specifically, direct therapy by a qualified speech language pathologist.

District asserts that the second claim is insufficient because there is no specific time frame alleged, and is devoid of any facts about Student's needs and details that place District on notice of the problem asserted.

The second count is insufficient. Although the heading uses the word "provide, the first sentence of the count indicates that it is exclusively a failure to implement claim. If Student intended to attack the sufficiency of an IEP offer in count two, Student's

complaint failed to do so. As an implementation claim, Student's pleading fails to include sufficient facts about the problem. Student failed to allege which IEPs were not implemented as it relates to the speech services. There are no factual allegations in the body of the pleading stating which IEPs District failed to implement relating to speech services. The complaint fails to include sufficient information for District to prepare for the hearing and participate in resolution session or mediation.

COUNT THREE IS SUFFICIENT

Student's third count alleges that District denied Student a FAPE by failing to offer placement in the least restrictive environment, proposing a closed-campus program instead of a less restrictive setting with the necessary supports.

District asserts that the third claim is insufficient because there is no time frame alleged and it fails to plead any facts for the 2024-2025 school year. District asserts the claim is too vague to give it notice.

Although the heading of count three uses the word "provide, the first sentence of the count indicates that it is exclusively a failure to offer claim. If Student intended to allege a failure to implement an IEP claim in count three, Student's complaint failed to do so. Although count three does not allege the specific IEPs at issue, the body of the pleading identifies only the August 25, 2025 IEP and the September 29, 2025 IEP as the IEPs where the closed-campus proposal was made. As such, as pled by Student, those are the only IEPs at issue in count three. If Student intended something different, the complaint is insufficient. However, the pleading is sufficient with respect to the August 25, and September 29. 2025 IEPs for District to prepare for the hearing and participate in resolution session or mediation.

COUNT FOUR IS INSUFFICIENT

Student's fourth claim alleges Student was denied a FAPE by District's refusal to allow a privately funded aide to support Student at school as a supplementary aid and service.

District asserts that the claim is overbroad because it pleads facts relating only to the 2025-2026 school year.

This count appears to be a failure to make an adequate IEP offer regarding supplementary aids and services in the form of a private aide. If Student intended to allege a failure to implement an IEP claim in count four, Student's complaint failed to do so. As a failure to offer claim, count four is insufficient and suffers from the same deficiencies as count one. It fails to identify which of the IEPs are being challenged. In the body of the pleading Student references the 2024-2025 school year when District allegedly refused to agree to the private aide services, but no IEPs are identified during that school year. Student references several IEP team meetings which occurred during the 2025-2026 school year, but again Student fails to state if any, all, or some of these IEPs are the IEPs at issue in count four. As such, Student's complaint is too vague for District to understand Student's claims and fails to provide a sufficient description of the facts relating to the problem.

COUNT FIVE IS INSUFFICIENT

Student's fifth claim alleges that District denied Student a FAPE through a pattern of procedural and substantive violations, which Student lists in a series procedural and substantive violations over the span of three pages. Student also appears to again allege the same claims as stated in counts one through four. Student further alleges that the failure to provide appropriate supports, the unsafe conditions, the refusal of

necessary accommodations and denial of meaningful participation denied Student a FAPE.

District asserts that issue five contains no time frame and that it broadly asserts various violations without supporting specific facts. District also argues that the issue improperly consists of the totality of the other claims.

Count five is insufficiently pled. Student includes various alleged violations, many of which appear to be duplicative of his other four counts which were all insufficient except for count three as to the August and September 2025 IEPs regarding placement. Student's use of the phase "include but are not limited to" automatically makes the claim vague and insufficient because it fails to identify the problems not included in the pleading. On these grounds alone, count five is insufficient.

Student's count five reads like a "catch-all" for various violations without any adequate facts to put District on notice as to the specific procedural and substantive violations being asserted, much less when each of these violations occurred. Some of the violations are simply too vague for District to understand the basis for the claim. For example, Student fails to identify what parent input and request he is referencing and when each alleged failure to meaningfully consider occurred. Student fails to identify in count five when the alleged failure to provide complete and timely assessment data occurred or describe the assessment data at issue. Student fails to explain how District failed to ensure informed parent participation and each time that violation occurred. Student fails to specify the IEP Student is referring to in its allegation that District failed to complete the IEP process in a procedurally compliant manner or the facts describing how that IEP was not procedurally compliant. Student fails to identify what and when decisions were made without full information, without meaningful parent involvement, and without adequate consideration of less restrictive options.

Student fails to identify what IEP offers he is referring to in count five or what IEPs were not implemented or set forth enough facts for District to understand what "provide" means. In fact, there are no specific dates of any the alleged violations alleged in count five and the alleged violations are not adequately supported by facts for District to understand the alleged violation being asserted. For example, Student fails to specify when District relied on inconsistent paraprofessional staffing, when it failed to ensure proper implementation of behavioral supports and when it did not "provide" the level of supervision demonstrated to be necessary by its own assessments. Student does not specify the type of supervision he claims was lacking or what he means by the failure to "ensure [Student's] safety," or identify when the "repeated incidents" allegedly occurred. He does not identify when and what alleged failures in toileting support occurred, when and what the physical harm occurred, or what supports or unsafe conditions he is referring to in count five. He does not set forth when District refused necessary accommodations or identify the accommodations at issue, and does not state when the alleged denial of participation occurred and the facts supporting that vague assertion, among other things.

To rectify count five, Student is required to describe each problem and set forth sufficient facts about each problem or violation including when each occurred such that District is put on notice of the claim so it can prepare for hearing and participate in a resolution session or mediation.

RESOLUTIONS

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's proposed resolutions include compensatory education, funding for an independent education evaluation at public expense, an appropriate prospective

placement with supports, and provision for trained support for Student's safety and access to education. Student also requests permission for and/or funding of a qualified aide, including consideration of a privately funded aide, implementation safeguards, including service tracking, and reimbursement. Student met the statutorily required standard of stating a resolution to the extent known and available at the time the complaint was filed.

ORDER

1. Issue three, referred to in the complaint as count three, is sufficient under title 20 U.S.C. section 1415(b)(7)(A)(ii) as to the August 25 and September 29, 2025 IEPs only, as limited in scope by this Order.
2. Issues one, two, four and five, referred to in the complaint as counts one, two, four and five, 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 Issue three as to the August 25 and September 29, 2025 IEPs as limited in scope by this Order.

IT IS SO ORDERED.

Laurie Gorsline

Laurie Gorsline

Administrative Law Judge

Office of Administrative Hearings