BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

HIGH TECH HIGH CHARTER SCHOOLS AND EL DORADO COUNTY CHARTER SELPA.

OAH CASE NUMBER 2025070983

ORDER DETERMINING DUE PROCESS COMPLAINT INSUFFICIENT AS TO EL DORADO COUNTY CHARTER SELPA

AUGUST 11, 2025

On July 23, 2025, Parent, on behalf of Student, filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming High Tech High Charter Schools, and El Dorado County Charter Special Education Local Plan Area, or SELPA, as respondents. On August 7, 2025, El Dorado County Charter SELPA 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).

A party has the right to file a notice asserting a complaint is insufficient within 15 days of receiving a request for due process hearing. (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; (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.)

DISCUSSION

Student has failed to allege any facts in his complaint stating El Dorado County Charter SELPA was responsible for providing a free, appropriate public education, or FAPE, to Student. Nor did the complaint allege El Dorado County Charter SELPA was responsible for participating in decisions regarding Student's education. The complaint does not allege any facts contending that El Dorado County Charter SELPA violated the IDEA, or California special education laws.

All issues stated assert claims only against "District." Student's vague allegation in the "Local Educational Agency" section of the complaint, that "At all times in which High Tech High School acted or should have acted, El Dorado is, and was also liable for the claims described in the following complaint" is inadequate to give the SLEPA notice of the allegations against it. Specific allegations are required to state which claims are being asserted against which party. As no specific allegations have been alleged against El Dorado County Charter SELPA, notice has not been provided as to the claims El Dorado County Charter SELPA must defend.

ORDER

1. Student's complaint is insufficiently pled as to El Dorado County Charter SELPA under section title 20 United States Code 1415(c)(2)(D).
2. Student shall be permitted to file an amended complaint under title 20 United States Code section 1415(c)(2)(E)(i)(II).

3. 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 calendar days from the date of this order.
4. If Student fails to file an amended complaint by the deadline, the complaint will be dismissed against El Dorado County Charter SELPA.
5. The complaint will proceed as currently scheduled against the other named respondent.

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl
Administrative Law Judge
Office of Administrative Hearings