BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

INVICTUS LEADERSHIP ACADEMY AND EL DORADO COUNTY CHARTER SELPA.

OAH CASE NUMBER 2025070683

ORDER DETERMINING AMENDED DUE PROCESS COMPLAINT INSUFFICIENT

AUGUST 15, 2025

On July 18, 2025, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, called OAH, naming Invictus Leadership Academy, called Invictus, and El Dorado County Charter Special Education Local Plan Area, called SELPA. On July 28, 2025, SELPA filed a Notice of Insufficiency as to the complaint.

On July 30, 2025, OAH issued an Order Determining Due Process Complaint Partially Sufficient, which permitted Student to file an amended complaint no later than 14 days from that Order. On July 31, 2025, Student filed an amended complaint.

Although the Notice of Insufficiency had already been ruled on, Student included an opposition to SELPA's July 28, 2025, Notice of Insufficiency. On August 12, 2025, SELPA filed a Notice of Insufficiency as to the amended 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 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

In the July 30, 2025, Order Determining Due Process Complaint Partially Sufficient, OAH identified the sufficiently pled and insufficiently pled issues. The Order permitted Student to file an amended complaint. Student filed an amended complaint on July 31, 2025, thus rendering Student's original complaint dated July 18, 2025 moot. OAH adjudicates a single complaint by the filing party that includes all claims against the named respondents. Thus, all claims filed previously by Student in its original complaint are no longer live.

Student's amended complaint is insufficient. The amended complaint does not identify with any specificity the number of issues it seeks to allege. It also fails to specifically identify which claims are alleged against Invictus, SELPA, or both. Finally, the amended complaint fails to provide Invictus and SELPA with sufficient facts relating to the issues.

As described on OAH's website, the IDEA requires the Request for Due Process Hearings, Complaint, to include, in relevant part:

- the name of the child, the address of the residence of the child (or available contact information in the case of a homeless child), and the name of the school the child is attending (20 U.S.C. § 1415 (b)(7)(A)(ii)(I));

- a description of the nature of the problem of the child relating to such proposed initiation or change, including facts relating to such problem (20 U.S.C. § 1415(b)(7)(A)(ii)(III));

- a proposed resolution of the problem to the extent known and available to the party at the time (20 U.S.C. § 1415 (b)(7)(A)(ii)(IV));

- a party, or the attorney representing a party, must provide to the other party a copy of the due process complaint, along with a copy of the due process complaint to OAH (20 U.S.C. § 1415 (b)(7)(A)(i));

- a party may not have a due process hearing until the party, or the attorney representing the party, files a notice that meets the requirements of subparagraph (A)(ii) (20 U.S.C. § 1415 (b)(7)(B));

Forms and additional instructions for requesting a due process hearing, as well as mediation, are available on the OAH website.

In this case, it is also highly recommended that Parent contact OAH for assistance if they intend to amend their due process hearing request. A parent without an attorney may request that OAH provide a mediator to assist the parent in identifying the issues and proposed resolutions that must be included in a complaint. (Ed. Code, § 56505.)

ORDER

1. Student's amended complaint is insufficiently pled under section title 20 United States Code 1415(c)(2)(D).
2. Student shall 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 U.S.C. section 1415(b)(7)(A)(ii), and shall be filed not later than 14 days from the date of this order.
4. If a second amended complaint is filed, it must include all issues Student seeks to litigate in a single document. It also must include sufficient facts supporting each claim. Should two respondents be named, Student must sufficiently identify which claim is directed to which respondent and provide sufficient facts so each respondent has an awareness and understanding of the issues forming the basis of the complaint against it.
5. If Student fails to file a timely amended complaint, the complaint will be dismissed.
6. All dates previously set in this matter are vacated.

IT IS SO ORDERED.

Daniel Senter

Daniel Senter
Administrative Law Judge
Office of Administrative Hearings