BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

COACHELLA VALLEY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025110561

# ORDER GRANTING MOTION TO UNEXPEDITE HEARING AND DETERMINING DUE PROCESS COMPLAINT INSUFFICIENT

DECEMBER 2, 2025

On November 14, 2025, Parent on behalf of Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, called OAH, naming Coachella Valley Unified School District. On November 17, 2025, based on issues asserted in the complaint, OAH issued a Scheduling Order and Notice of Expedited and Non-Expedited Due Process Hearing and Mediation, called Scheduling Order. The Scheduling Order set this matter for expedited mediation on December 5, 2025, expedited prehearing conference on December 8, 2025, and expedited hearing for December 16, 17, and 18, 2025.

On November 26, 2025, Coachella Valley filed a motion to unexpedite this matter and vacate the expedited dates. On December 1, 2025, Student filed a non-opposition to Coachella Valley's motion to unexpedite. Student stated he did not intend to raise any expedited issues and there was no dispute as to a change of placement due to behavior or a manifestation determination.

On November 26, 2025, Coachella Valley filed a Notice of Insufficiency as to the complaint. On December 2, 2025, Student filed an opposition to Coachella Valley's Notice of Insufficiency.

## MOTION TO UNEXPEDITE

A parent of a child with a disability who disagrees with any decision by a school district regarding a change in educational placement of the child based upon a violation of a code of student conduct, or who disagrees with a manifestation determination made by the district, may request and is entitled to receive an expedited due process hearing. (20 U.S.C. § 1415(k)(3)(A); 34 C.F.R. § 300.532(a) (2006), All subsequent references to the Code of Federal Regulations are to the 2006 version.) An expedited due process hearing before OAH must occur within 20 school days of the date the complaint requesting the hearing is filed. (20 U.S.C. § 1415(k)(4)(B); 34 C.F.R. § 300.532(c)(2).) The procedural right to an expedited due process hearing is mandatory and does not authorize OAH to make exceptions or grant continuances of expedited matters. (*Ibid.*) A matter can only be unexpedited or continued if no issue is alleged that is subject to an expedited hearing, if the student withdraws the issues in the complaint that triggered the expedited hearing, or if the student elects to challenge the change of placement under title 20, section 1415, subdivision (b)(6)(A) and not subdivision (k). (*Molina v. Bd. of Educ. of Los Lunas Schools* (D.N.M. 2016) 157 F.Supp.3d 1064, 1068-1071.)

OAH designated Student's case partially expedited because Student raised an issue that Coachella Valley failed to conduct manifestation determination review meetings in response to Student's alleged behavioral incidents. However, the parties have demonstrated that no expedited issues were alleged in the complaint such that an expedited hearing is no longer required. Although the complaint includes references to potential manifestation determinations, Student unequivocally stated he did not intend to raise any expedited issues in his complaint. Student does not allege facts that constitute an appeal pursuant to Section 1415(k)(3), and thus that the mandatory provisions of Section 1415(k)(4)(B) for an expedited hearing do not apply. (*Molina, supra,* 157 F.Supp.3d 1064, 1068-1071.) Accordingly, the expedited hearing dates are vacated.

## NOTICE OF INSUFFICIENCY

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, 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)(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.)

Student does not number the issues in his complaint. Nonetheless, he appears to bring two issues on pages seven through 10 of his complaint, and 10 additional issues on pages 13 and 14. All issues in Student's complaint are insufficiently pled.

Student's first issue relates to systematic discriminatory and negligent transportation of disabled students by Coachella Valley. Issue one is found on page seven, line eight, through page eight, line 16. It is labeled: "A. PATTERN AND PRACTICE OF DISCRIMINATORY AND NEGLIGENT CONDUCT IN TRANSPORTATION SERVICES." The facts attached to this allegation appear to be connected to another student in Coachella Valley, as shown in a viral social media video posting which Parent viewed. Issue one fails to describe a problem relating to proposed changes regarding Student's identification, evaluation, or educational placement, or the provision of FAPE to Student.

Issue one alleges systematic legal issues outside OAH's jurisdiction. As such, issue one fails to comply with the pleading requirements under the IDEA.

Student's second issue relates to issues under Title II of the Americans with Disabilities Act, the California Unruh Civil Rights Act, and California tort law. Issue two is found on page eight, line 18, through page 10, line 11. It is labeled: "B. PATTERN AND PRACTICE OF DISABILITY DISCRIMINATION UNDER STATE AND FEDERAL LAW AND EXHAUSTION OF ADMINISTRATIVE REMEDIES." Issue two fails to describe any facts related to Student. It does not allege any issues under the IDEA. The claims within issue two are not within OAH's jurisdiction. Issue two therefore fails to comply with the pleading requirements under the IDEA.

Student's third issue relates to student records. It is found on page 13, lines 23 through 24. Issue three states: "45. The District denied Student a FAPE for the 2024-2025 and 2025-2026 academic school years by not providing full and complete records to Parent." As Coachella Valley correctly argues, Student's complaint fails to include facts as to when, if ever, Parent requested Student's records; the records Parent requested; or the records Student believes Coachella Valley failed to produce. Because the complaint fails to include sufficient facts related to issue three, this issue is insufficiently pled under the requirements of the IDEA.

Student's fourth issue relates to placement. It is found on page 13, lines 25 through 26. Issue four states: "46. The District denied Student a FAPE in the LRE for the 2024-2025 and 2025-2026 academic school years by keeping him in a more restrictive environment." This issue is confusing and unclear. The complaint only identifies one individualized education program, called IEP, held on November 10, 2025. At this IEP, Student alleges Coachella Valley tried to move Student to a less restrictive placement. The complaint fails to include facts as to the operative IEPs for the 2024-2025 and 2025-

2026 school years through November 9, 2025, Student's general needs at the time of each IEP, and the respective placements offered. As such, issue four is insufficiently pled under the requirements of the IDEA.

Student's fifth issue relates to IEP implementation. Issue five is located on page 13, line 27, through page 14, line five. It states: "47. The District denied Student a FAPE for the 2024-2025 and 2025-2026 academic school years by not implementing his IEP: By not providing an aide with fidelity and consistency; By not providing ERMHS services per his IEP; and By not providing a credentialed teacher qualified to teach Student and implement his IEP in the SDC ED program in the 2025-2026 school year." However, the complaint fails to identify the IEPs at issue, and the services offered and consented to in the relevant IEPs which Student believes should have been implemented. Issue five fails to include enough information to provide Coachella Valley an awareness and understanding of the issues forming the basis of the complaint and is therefore insufficiently pled.

Student's sixth issue relates to behavior. Issue six is found on page 14, lines six through 11. Issue six states: "48. The District denied Student a FAPE for the 2024-2025 and 2025-2026 academic school years by not addressing behaviors through: a functional behavior assessment; a behavior trained aide; and/or a manifestation determination after any one of the behavior incidents in the 2024-2025 school year." The complaint fails to specify the behaviors or behavioral incidents supporting the issue; what facts, if any would have prompted Coachella Valley to be required to conduct a functional behavioral assessment; and the IEPs in which Student is alleging Coachella Valley failed to offer a behavior trained aide. In fact, the minimal facts in the complaint point to an opposite finding, stating: "Student was so successful meeting his goals and regulating his behavior during the 2024-2025 school year that the IEP team discussed

with Parent moving Student into a less restrictive environment." Student's complaint fails to provide sufficient facts to support issue six and is therefore insufficiently pled.

Student's seventh issue also relates to behavior. It is found on page 14, lines 12 through 14. Issue seven states: "49. The District denied Student a FAPE for the 2024-2025 and 2025-2026 academic school years by developing a behavior intervention plan without a functional behavior assessment or behavior observations." However, the complaint fails to identify the IEP dates in which any such behavior intervention plans were offered that are allegedly deficient. Additionally, the complaint fails to describe any maladaptive behaviors of Student that warranted a functional behavior assessment. As such, issue seven is insufficiently pled.

Student's eighth issue relates to whether Coachella Valley denied Parent participation by canceling or postponing IEP team meetings. It is found on page 14, lines 15 through 17. Issue eight states: "50. The District denied Student a FAPE for the 2024-2025 and 2025-2026 academic school years by inhibiting parental participation by cancelling and/or postponing IEPs to discuss Student's programs and needs." However, the complaint fails to identify any IEPs which were canceled or postponed, and the general circumstances. Because the complaint lacks sufficient facts to support issue eight, this issue is insufficiently pled.

Student's ninth issue relates to a health plan. It is found on page 14, lines 18 through 19. Issue nine states: "51. The District denied Student a FAPE for the 2023-2024, 2024-2025, and 2025-2026 academic school years by not addressing his medical and health needs via a health plan." Coachella Valley persuasively argues the complaint fails to include facts as to if, and when, Coachella Valley was notified of any health needs of Student. The complaint also fails to identify the specific IEPs during the time period when Student is alleging Coachella Valley should have offered him a health plan, and

the medical needs that should have been addressed at the time of those meetings. Issue nine fails to include enough information to provide Coachella Valley an awareness and understanding of the issues forming the basis of the complaint and is therefore insufficiently pled.

Student's tenth issue relates to transportation services. It is found on page 14, lines 20 through 21. Issue 10 states: "52. The District failed to implement Student's transportation service safely and consistently for the 2025-2026 school year." However, the complaint fails to describe the specific IEPs attached to this issue which Student believes were not implemented. The complaint also fails to describe facts related to transportation safety as they relate to Student, rather than videos of other students posted on social media. As such, issue 10 is insufficiently pled under the IDEA.

Student's eleventh issue also relates to transportation. It is found on page 14, lines 22 through23. Issue 11 states: "53. The District failed to provide Parent access to the transportation tracking application despite repeated requests for the 2025-2026 academic school year." Once again, the complaint fails to identify the IEPs, if any, attached to the issue, where Student believes Coachella Valley should have offered such access as part of an offer of FAPE. Issue 11 is therefore insufficiently pled.

Student's twelfth issue is a general allegation of a denial of FAPE. It is found on page 14, lines 24 through 25. Issue 12 states: "54. The District's failures denied Student access to his educational program, thereby denying FAPE." Issue 12 is impermissibly vague. It fails to include the alleged failures, the time period at issue, the facts related to how Student was denied access to his educational program, and the IEPs related to the issue. With respect to issue 12, the complaint fails to describe the problem relating to the proposed change regarding Student's identification, evaluation, or educational

placement, and the provision of a FAPE to Student. It does not meet the minimum pleading requirements under the IDEA.

## ORDER

1. The motion to unexpedite this matter is granted.
2. The following expedited dates are vacated: expedited mediation on December 5, 2025; expedited prehearing conference on December 8, 2025; and expedited hearing on December 16, 17, and 18, 2025.
3. Student's complaint is insufficiently pled under title 20 United States Code section 1415(c)(2)(D).
4. Student shall be permitted to file an amended complaint under title 20 United States Code section 1415(c)(2)(E)(i)(II).
5. The amended complaint shall comply with the requirements of title 20 United States Code section 1415(b)(7)(A)(ii), and shall be filed not later than 14 days from the date of this order.
6. If Student fails to file a timely amended complaint, the complaint will be dismissed.
7. All dates previously set in this matter are vacated.

## IT IS SO ORDERED.

*Cararea Lucier*

Cararea Lucier
Administrative Law Judge
Office of Administrative Hearings