BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

INVICTUS LEADERSHIP ACADEMY AND EL DORADO COUNTY CHARTER SELPA.

OAH CASE NUMBER 2025070686

ORDER DETERMINING DUE PROCESS COMPLAINT PARTIALLY SUFFICIENT

JULY 29, 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.

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.)

Student alleged five claims in the complaint, some of which are sufficient and some which are insufficient. The issues are discussed below.

Student's first issue generally alleged that Invictus and SELPA denied Student a free appropriate public education, called FAPE, but failed to provide facts that support the claim. Issue one provides insufficient facts for SELPA to understand the claim to be able to prepare for resolution and mediation.

Issue two alleges that Invictus and SELPA denied Student a FAPE by failing to timely conduct a multidisciplinary assessment. Issue two is sufficiently pled for SELPA to prepare for resolution and mediation.

Issue three complains Invictus and SELPA failed to provide individualized education program, called IEP, related services for speech and language, sensory processing, fine motor, writing, reading and math. Issue three is sufficiently plead for SELPA to understand the claim to prepare for resolution and mediation.

Issue four asserts a California Department of Education investigation confirmed that Invictus failed to provide IEP services. The facts plead fail to allege a specific cause of action and are insufficient for SELPA to prepare for resolution and mediation.

Issue five asserts various procedural violations, including failures to timely assess, provide prior written notice, convene a lawful IEP team meeting, include Parent in the decision-making process for the development of Student's educational program, and to implement Student's IEPs. While broad, these problems can be further clarified by the Administrative Law Judge during the prehearing conference. The issue is sufficiently pled to permit SELPA to prepare for resolution and mediation.

Therefore, issues two, three, and five are sufficiently pled to put SELPA on notice as to the basis of Student's claims.

With regard to issues one and four, Student failed to state sufficient facts supporting these claims, and the claims are insufficient.

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.) Parents are encouraged to contact OAH for assistance if they intend to amend their due process hearing request.

ORDER

1. Issues two, three and five of Student's complaint are sufficient under title 20 U.S.C. section 1415(b)(7)(A)(ii).
2. Issues one and four of Student's complaint 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 issues two, three and five in Student's complaint.

Paul Kamoroff

Paul H Kamoroff

Administrative Law Judge

Office of Administrative Hearings