BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

JULIAN CHARTER SCHOOL - PINE HILLS.

OAH CASE NUMBER 2026050730

ORDER DETERMINING COMPLAINT PARTIALLY SUFFICIENT

JUNE 2, 2026

On May 15, 2026, 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 Julian Charter School – Pine Hills, called Julian. On May 29, 2026, Julian filed a Notice of Insufficiency as to issues two and three of 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 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.) 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's complaint alleges three issues. Julian challenges the sufficiency of issues two and three. However, a notice of insufficiency reviews the complaint in whole. Thus all issues alleged are discussed below.

Issue one alleges that Julian failed to obtain the "through and rigorous" assessment in vision required by the IDEA, when it showed its awareness of suspected disability in this area by telling the parent to take Student to their own optometrist instead, and by documenting its awareness of other signs raising suspicion. Student's issue one alleges Julian's failure to assess Student in the area of vision, which was discussed at the May 8, 2026, IEP team meeting. The complaint alleges facts that support the allegation. Therefore, Student's complaint identified issue one and provided adequate facts about the problem to permit Julian to respond and participate in a resolution session and mediation. Student's issue one is deemed sufficient.

Issue two alleges that Julian denied Student a FAPE for at least two years by unethically applying behavior management without addressing Student's biological needs, in violation of BACB ethics code 2.12, by failing to assess in acknowledged visual and sensory areas and pretending without proper assessment that such biological deficits are irrelevant to the behavioral difficulties that JCS (Julian) wants to correct.

Issue three alleges that Julian denied Student a FAPE for at least two years by unethically applying behavior management without addressing Student's biological needs, in violation of BACB ethics code 2.12, by failing to assess in acknowledged visual and sensory areas – thereby presumptively assuming that Student's aversion to reading and other tasks are unrelated to such deficits, and must therefore be addressed only with coercive behavioral practices.

Julian contends that issues two and three are insufficiently pled because the complaint fails to provide sufficient information and/or offer a factual basis connecting the alleged violation of the BACB ethical standards to a denial of FAPE under the IDEA. Second, Julian contends that the complaint fails to provide sufficient information supporting the unethical claims in issues two and three resulting in a vague and confusing complaint.

Issues two and three are insufficiently pled. Issues two and three fail to provide Julian with the required problem description and the facts relating to the problem. The allegations are vague and confusing. Issue three appears to raise a failure to assess claim in addition to allegations of unethical application of behavior management. However, there is no time period alleged other than "for at least two years". The fact section mentions a January 2026 occupational therapy assessment, but it is unclear and confusing how the facts in the complaint relate to the issues pled.

The allegations in issues two and three do not sufficiently describe the problem and how they relate to a proposed change regarding Student's identification, evaluation, or educational placement, or providing Student a FAPE. Issues two and three do not provide enough facts about the problem to provide Julian with sufficient information to know how to prepare for the hearing and how to participate in a resolution session or mediation.

MEDIATOR ASSISTANCE FOR NON-REPRESENTED PARENTS: 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. Issue one of Student's complaint is sufficient under title 20 U.S.C. section 1415(b)(7)(A)(ii).
2. Issues two and three 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 Issue one in Student's complaint.

IT IS SO ORDERED.

Katherine Roe
Katherine Roe (Jun 2, 2026 08:29:14 PDT)

Katherine Roe

Administrative Law Judge

Office of Administrative Hearings