BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

TEMECULA VALLEY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025050169

# ORDER DETERMINING DUE PROCESS HEARING COMPLAINT INSUFFICIENT; NOTICE OF NO ACTION REGARDING SECOND FILED DUE PROCESS HEARING COMPLAINT; AND ORDER DENYING MOTION TO DISMISS AS MOOT

MAY 9, 2025

On April 30, 2025, Parent on behalf of Student filed a due process hearing request, called a complaint, with the Office of Administrative Hearings, OAH, naming Temecula Valley Unified School District. On May 9, 2025, Temecula Valley Unified filed a motion to dismiss for lack of Parent's standing, or in the alternative argued the

complaint was insufficient. The same day, Student filed an amended due process hearing request signed by Student.

OAH does not consider motions to dismiss and notices of insufficiency together, as they are governed by different legal standards. In the future, Temecula Valley Unified is advised to file such motions separately.

## NOTICE OF NO ACTION REGARDING MAY 9, 2025 DUE PROCESS COMPLAINT FILING

On May 9, 2025, Student filed an amended complaint. However, Student failed to include a motion with the amended complaint requesting leave to amend the complaint. Thus, there is no pending motion before OAH in this matter, and no action will be taken. The due process hearing request filed May 9, 2025, will not be considered.

## STUDENT'S COMPLAINT IS INSUFFICIENT IN ITS ENTIRETY

Temecula Valley contends that Student's complaint is insufficient because it does not include any supporting facts, and unclear issues. Further, Temecula Valley alleges Student is an adult and not conserved. Thus, Parent lacks standing to file this suit.

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). Here, Temecula Valley timely filed its notice of insufficiency.

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 with 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 filed a complaint alleging two insufficiently pled claims as well as other defects. First, the complaint states Student's birth date is December 23, 2025, which is impossible. Since Student's age is at issue regarding if Parent has standing in this matter, Student must give the correct birth date in the complaint.

Second, if Student is over the age of 18, the complaint must be signed by Student or by the representative who holds Student's educational rights with an

explanation describing who hold Student's rights. Failure to do so may result in dismissal of the complaint for lack of standing.

Third, both of Student's issues listed in the complaint lack legal sufficiency. Student's first issue states "District is failing to offer a time where student and parent are available to meet and are attempting to hold the meeting without student and parent participation." This issue fails to state the timeframe in which the alleged conduct occurred, does not include specific facts, and it is unclear whether the meeting referenced pertains to special education or constitutes a denial of a free appropriate public education. As currently worded, the issue is insufficient, and Temecula Valley Unified is unable to meaningfully participate in mediation, prepare for due process, or formulate a defense.

Student's second issue states "Case Manage[e]r is bullying student and trying to force him[t] to sign documents without allowing him the opportunity to review documents with parent." This issue lacks legal sufficiency. It fails to state a timeframe in which the alleged conduct occurred, does not include any supporting facts, and it is unclear if this issue relates to an alleged denial of a free appropriate public education.

## 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. Student's complaint is insufficiently pled under title 20 United States Code section 1415(c)(2)(D).
2. Student will be permitted to file an amended complaint under title 20 United States Code section 1415(c)(2)(E)(i)(II).
3. The amended complaint must comply with the requirements of title 20 United States Code section 1415(b)(7)(A)(ii), and must be filed not later than 14 days from the date of this order.
4. If Student fails to file a timely amended complaint, the complaint will be dismissed.
5. All dates previously set in this matter are vacated.
6. Temecula Valley Unified's Motion to Dismiss is denied without prejudice as moot.

IT IS SO ORDERED.

Cynthia Fritz

Cynthia Fritz
Administrative Law Judge
Office of Administrative Hearings