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 DUE PROCESS COMPLAINT SUFFICIENT

SEPTEMBER 4, 2025

On July 18, 2025, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Invictus Leadership Academy and El Dorado County SELPA.

El Dorado County SELPA filed a notice of insufficiency on July 28, 2025. A determination of sufficiency was issued on July 29, 2025, determining Student's issues two, three, and five were sufficiently pled.

Those issues were: Issue two alleged Invictus and El Dorado County SELPA denied Student a free appropriate public education by failing to conduct a multidisciplinary assessment. Issue three alleged Invictus and El Dorado County SELPA failed to provide an individualized education program with related services in speech and language, sensory processing, fine motor, writing, reading and math. Finally, issue five alleged various procedural violations. Student did not re-raise any of these issues in his subsequent filings.

Student was given leave to file an amended complaint which would restart the applicable timelines. Student filed an amend complaint on August 1, 2025. On August 12, 2025, El Dorado County SELPA filed a notice of insufficiency. On August 14, 2025, Student's amended complaint was deemed insufficient. Student was again given leave to file an amended complaint. Student was instructed to file a single complaint containing all of Student's allegations , specify which issues were directed at which respondent, and include facts regarding each allegation.

Student filed a document on August 19, 2025. Had OAH only deemed this a response to the SELPA's earlier Notice of Insufficiency, the entire matter would have been dismissed as a result of the August 14, 2025, order finding the entire complaint insufficient. Accordingly, OAH deemed the filing a second amended complaint. The contentions in Student's second amended complaint are alleged against the El Dorado County SELPA. Specifically, Student alleges the SELPA was on notice that Invictus Leadership Academy failed to provide speech and counseling services to Student and the SELPA failed to ensure corrective compliance despite having oversight responsibility. Student also alleged the SELPA's inaction prolonged Student's FAPE denial thus causing regression. No independent claims are raised against Invictus.

El Dorado County SELPA filed a notice of insufficiency on September 3, 2025. El Dorado County SELPA argues Student's complaint fails to allege a factual basis for any cause of action under the IDEA and requests any allegations be dismissed against the SELPA.

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).

The complaint is deemed sufficient unless a party notifies OAH and the other party in writing within 15 days of receiving the complaint that the party believes the complaint has not met the notice requirements. (20 U.S.C. § 1415(c)(2)(C); Ed. Code, § 56502, subd. (d)(1).)

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

Here, Student's complaint has evolved from a five-issue complaint filed on July 18, 2025, to a narrow claim against the SELPA only. Given the liberal pleading standards required under the IDEA, this is sufficient to put the SELPA on notice and allow it to participate in the resolution process and mediation. The sufficiency determination is not the appropriate mechanism to determine if the SELPA is a proper party to this action.

OAH operates off a single complaint containing all issues raised by a party in the case. An amended complaint, once deemed sufficient, becomes the operative complaint. Thus, no claims from a prior complaint will be litigated. Accordingly, Student is on notice that the only issues to be adjudicated in this matter are those included in Student's second amended complaint as described above.

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 strongly encouraged to contact OAH for assistance if Student seeks to amend the due process hearing request.

ORDER

1. The complaint is deemed sufficient under title 20 United States Code section 1415(c)(2)(C) and Education Code section 56502, subdivision (d)(1).
2. All mediation, prehearing conference, and hearing dates in this matter are confirmed.

IT IS SO ORDERED.

Tiffany Gilmartin

Tiffany Gilmartin
Administrative Law Judge
Office of Administrative Hearings