BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

EAST SIDE UNION HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2025101092

ORDER DETERMINING DUE PROCESS COMPLAINT SUFFICIENT

NOVEMBER 14, 2025

On October 28, 2025, Parents, on behalf of Student, filed a Due Process Hearing Request, also called a complaint, with the Office of Administrative Hearings, called OAH, naming East Side Union High School District as respondent. On November 13, 2025, East Side filed a Notice of Insufficiency regarding 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 party has the right to file a notice asserting a complaint is insufficient within 15 days of receiving a request for due process hearing. (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 Individuals with Disabilities Education Act, or 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 Fed. Reg. 46541, 46699.)

DISCUSSION

The facts alleged in Student's complaint are sufficient. Minimal pleading standards apply to requests for due process hearings pursuant to the Individuals with Disabilities Education Act. (*Schaffer ex rel. Schaffer v. Weast*, (2005) 546 U.S. 49, 54 [126 S.Ct. 528, 163 L.Ed.2d 387].)

Student's complaint identifies three Issues.

1. Failure to assess student in a way that meets legal requirements. Student alleges East Side had rigid in person only assessment requirements, citing to events occurring in 2025.
2. Problem number two, alleges two separate claims; however, they are clearly, though succinctly, stated. Problem two alleges a failure to provide a prior written notice and an inadequate individualized education program offer. Student alleges East Side did not provide prior written notice in response to Parent's September 18, 2025 proposed virtual assessment. Student also alleges East Side offered only five hours of weekly home instruction without prior written notice.
3. Predetermination of Student's placement. Student alleges East Side offered a one size fits all goal, which was decided before assessments were completed.

Student's complaint provides adequate information, as part of each Issue,for East Side to participate in a resolution session and mediation. To the extent East Side contends the issues are "unfounded", nothing prevents East Side from asserting any meritorious defense to the claims made. Additionally, nothing prevents East Side from seeking further clarification of the issues at the prehearing conference.

East Side also complains Student's proposed resolutions are unfounded and nonsensical, additionally contending the proposed resolutions are outside OAH jurisdiction. A complaint is required to include proposed resolutions to the problem, to the extent known and available to the party at the time. (20 U.S.C. §1415(b)(7)(A)(ii)(IV).) Student has included proposed resolutions. Any remedies requested must be supported by evidence at hearing. Nothing prevents East Side from arguing during hearing that a requested resolution is outside OAH jurisdiction.

ORDER

1. The complaint is sufficient under title 20 United States Code section 1415(b)(7)(A)(ii).
2. The prehearing conference and hearing dates currently scheduled in this matter are confirmed.

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl
Administrative Law Judge
Office of Administrative Hearings