BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

SAUSALITO MARIN CITY SCHOOL DISTRICT.

OAH CASE NUMBER 2025080797

ORDER DETERMINING DUE PROCESS COMPLAINT PARTIALLY SUFFICIENT

SEPTEMBER 4, 2025

On August 19, 2025, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Sausalito Marin City School District. On September 2, 2025, Sausalito Marin filed a Notice of Insufficiency as to 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).

Title 20 United States Code section 1415(k)(3) permits a party to request an expedited hearing for specific reasons. Specifically, an expedited hearing can be requested to appeal to appeal a disciplinary change of placement, such as placement in an alternative education setting or a manifestation determination regarding student conduct. This section requires an expedited hearing start within 20 school days from the hearing request. There is no provision for expedited hearings under section 1415(k) to test the complaint's sufficiency. Indeed, there is insufficient time to complete the NOI process in expedited hearings.

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

The issues and facts alleged in Student's complaint are sufficient regarding claims raised within the two-year statutory period. Student's complaint contains issues arising during the 2022-2023 through 2025-2026 school years. Student filed the complaint on August 19, 2025. Thus, claims raised starting the 2023-2024 school year would fall within the statutory period. However, Student also included claims for the 2022-2023, school year, yet did not specifically indicate an intent to extend the statute of limitations, nor provide notice of the legal basis to extend. Accordingly, to the extent that Student was seeking to extended the statute of limitations, the complaint is deemed insufficient.

Student's complaint identifies the issues and time he is alleging is at issue. Sausalito Marin argues Student's complaint fails to identify specific dates and specific individualized education programs at issue and should be struck. The standard argued by Sausalito Marin exceeds the liberal pleading requirements of the IDEA. Student's 26-page complaint, includes a factual statement for each issue and alleges Sausalito Marin denied Student a free appropriate public education, called FAPE, for failing to appropriately assess, failing to provide appropriate supports and services, predetermine placement, and denying Parental participation. The issues are sufficient for all claims raised within the statutory period.

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) for all claims raised within the statutory period.
2. To the extent Student seeks to adjudicate claims arising before the two year statutory period, the issues are insufficient.

IT IS SO ORDERED.

Tiffany Gilmartin

Tiffany Gilmartin

Administrative Law Judge

Office of Administrative Hearings