BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

SACRAMENTO CITY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025020513

ORDER DETERMINING DUE PROCESS COMPLAINT INSUFFICIENT

MARCH 4, 2025

On February 14, 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 Sacramento City Unified School District as respondent. On March 3, 2025, Sacramento City 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).

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 FR 46541, 46699.)

REQUESTS FOR JUDICIAL NOTICE, REQUESTS TO DISMISS ISSUES, AND ASSERTIONS THAT CLAIMS HAVE BEEN MADE FOR IMPROPER PURPOSES

REQUESTS FOR JUDICIAL NOTICE DENIED

Sacramento City asks that OAH take judicial notice of prior requests for due process Student's counsel filed, that raise similar claims. Sacramento City has not filed a separate motion for this. Nor has Sacramento City offered any legal support authorizing an ALJ to reference other students' due process hearing requests, to determine whether this Student's currently filed complaint is sufficient. Sacramento City's request for judicial notice is denied.

NO ACTION ON REQUESTS FOR DISMISSAL, AND ASSERTIONS OF INACCURATE OR FRIVOLOUS PLEADINGS

Sacramento City has argued several bases for determining Student's claims to be "insufficient" that are actually possible bases for dismissal or potential defenses at hearing. Sacramento City's contentions that claims fall outside OAH jurisdiction, are outside the statute of limitations or are frivolous, are not grounds for finding allegations insufficient. Furthermore, assertions that facts alleged are inaccurate or that the claims do not apply to this Student could be defenses. If proven, those assertions could form the basis for a separate motion regarding the filing of a frivolous complaint. However, they are not the basis for a finding that Student's allegations are insufficient. No action will be taken on allegations of these types.

COMPLAINT INSUFFICIENT

Minimal pleading standards apply to requests for due process 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].) However, the complaint does need to be intelligible and able to be tracked from one issue to another. As presented, it is not possible to determine what statements are supposed to be issues and what statements are simply additional information. This deprives Sacramento City of the ability to be confident they have determined all of the claims being made against it.

COMPLAINT INSUFFICIENT DUE TO UNINTELLIGIBLE NUMBERING

Student's claims are nearly impossible to follow and hard to count due to the inconsistent notation style used for numbering. As a result, it is difficult for an ALJ or an opposing party to be certain all issues Student is asserting are accounted for when reviewing the complaint.

The order of issues is confusing as no generally accepted outlining method is used. For example, Student's first issue is numbered I, (1), 1. Issue I (1) is then repeated verbatim as issue I (2) and followed by sub-sub issues 1, 2, 3. Complicating matters, this notation is not consistent throughout the complaint. Issues for the second school year are numbered II and begin with sub-issue (13). This results in a convoluted designation of issues that is extremely difficult to count or follow. Student's counsel is instructed to adopt a clear and commonly used system of numbering issues and sub-issues, such as Issue 1 (a) (i), (b) (i); 2 (a) (i), (b) (i); 3 (a) (i), (b) (i); etc., should an amended complaint be filed. At the conclusion of reading the complaint, the Issues and sub-issues should be able to be easily identified and counted.

COMPLAINT INSUFFICIENT DUE TO UNINTELLIGBLE ISSUES AND SUB-ISSUES

Student's claims are also insufficient because they are unintelligibly written. Several claims begin with headings that are then followed by prose that appears to be

unrelated to the claim being made. Some sub-issues listed have no relation to the claim asserted in the issue to which it apparently relates. In some cases, assertions about additional issues are not numbered as sub-issues, so it is unclear whether an additional issue is being raised, or why the additional information is being included. For example, Student's claim II (18) alleges predetermination, with a subheading alleging that the general education teacher was not present.

Student's claims need to clearly state the issue being asserted, and the facts associated with that issue that pertain only to this Student. Pages of generalized information about other cases, or other topics not associated with the topic in the heading, or comments made by unidentified experts in unidentified circumstances, result in in an inability to follow the allegations being made. Student's counsel is instructed to list the claims being asserted – issue by issue – followed by clear statements of the facts pertaining to each issue.

ORDER

1. Student's complaint is insufficiently pled under section title 20 United States Code 1415(c)(2)(D).
2. Student shall be permitted to file an amended complaint under title 20 United States Code section 1415(c)(2)(E)(i)(II).
3. 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.

4. If Student fails to file an amended complaint within 14 days of the date of this order, the complaint will be dismissed.
5. All dates previously set in this matter are vacated.

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl

Administrative Law Judge

Office of Administrative Hearings