BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

ALAMEDA UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026071170

ORDER DETERMINING DUE PROCESS COMPLAINT INSUFFICIENT AND NOTICE OF NO ACTION REGARDING MOTION TO DISMISS

AUGUST 7, 2026

On July 28, 2026, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Alameda Unified School District. On August 4, 2026, Alameda filed a Notice of Insufficiency as to the complaint, as well as a motion to dismiss. On August 4, 2026, Student filed a response to Alameda's Notice of Insufficiency.

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 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

Student's complaint alleges five insufficiently pled claims. Student asserts in its response that Student's "Response injects the exact names, calendar dates, times and document identifiers to fully satisfy the pleading requirements." Student's response is not the proper procedure to cure the defects present in Student's complaint. As explained more fully below, Student may file an amended complaint to address the insufficiencies in Student's complaint. The complaint must be sufficiently pled within the complaint itself and not supplemented by another filing.

Issue 1 alleges "procedural denial of FAPE **–** ongoing and continuous withholding of pupil records." Although the factual support for this issue appears to indicate it relates to a failure to timely produce records, Student fails to include any dates related to this issue, including the dates of the alleged records requests. Accordingly, Student fails to provide enough information such that Alameda has sufficient awareness or understanding of this issue.

Issue 2 alleges "procedural denial of FAPE – systemic bad-faith timeline obstruction of the resolution framework." Although the alleged facts in the complaint appear to indicate this issue relates to a failure to convene a resolution session, Student fails to include any dates or details regarding the resolution session at issue. As a result,

this issue is unclear. The obligation to hold a resolution session does not occur until a complaint is filed. The complaint cannot put at issue a resolution session that has yet to occur. The complaint fails to identify the specific resolution session at issue, and the issue may not be clarified by an outside document, such as Student's response. The complaint itself must provide sufficient facts to put Alameda on notice of the issue.

Issue 3 alleges "procedural denial of FAPE – systemic predetermination and total breakdown of IEP trust." This issue is unclear. The alleged facts do not help clarify the issue. Student cites "*Pedraza v. Alameda Unified School District* (N.D. Cal. 2007)" for the proposition that Alameda "has a structural history of signing special education agreements and then under-delivering"; however, Student fails to identify any special education agreement in the instant case, or otherwise explain the relevance of the cited case to the issue of predetermination. In addition, Student fails to identify any dates, school years, or individualized education programs, called IEPs, regarding the alleged predetermination.

Issue 4 alleges "procedural denial of FAPE – bad-faith suppression of safety logs via CPRA blackout." This issue is unintelligible as a special education claim. The alleged facts do not clarify the issue. Instead, Student generally cites the California Public Records Act and fails to explain how the facts raise a special education claim. To the extent this issue relates to a failure to produce education records, it appears to be duplicative of Issue 1, and thus, it is unnecessary. Accordingly, Student fails to adequately put Alameda on notice of a separate, cognizable special education claim.

Issue 5 alleges "procedural denial of FAPE – predetermination of services via fiscal vacancy sweeps." To the extent this issue concerns "vacancy sweeps," it is unintelligible. To the extent the issue relates to "predetermination," the complaint fails to identify any

dates, school years, or IEPs related to the alleged predetermination. Accordingly, Student fails to provide Alameda sufficient awareness or understanding of this issue.

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.

Student's complaint appears to include quasi-legalese language and generic, vague legal standards and arguments, which can be hallmarks of a complaint drafted, or assisted, by artificial intelligence. In contrast, generally, complaints that include issues that use plain language and identify relevant dates, IEPs, and school years provide more clarity. The parties are reminded of the admonishment regarding the use of artificial intelligence included in the Scheduling Order OAH issued in this matter. The parties and attorneys must always personally confirm for themselves the accuracy of any content generated by artificial intelligence tools before submitting the document. Accordingly, failure to exercise adequate care in reviewing and filing documents created with the assistance of generative artificial intelligence tools may expose the party or attorney to sanctions. (Cal. Code. Regs., tit. 5, § 3088, subds. (a) & (e); Gov. Code, § 11455.30, subd. (a), and Code Civ. Proc., § 128.5.)

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 a timely amended complaint, the complaint will be dismissed.
5. No action is taken on Alameda's August 4, 2026, motion to dismiss. Nothing prevents Alameda from filing another motion, should Student file an amended complaint in this case.
6. All dates previously set in this matter are vacated.

IT IS SO ORDERED.

Daniel Senter

Daniel Senter
Administrative Law Judge
Office of Administrative Hearings