BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

ALHAMBRA UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025101049

ORDER DETERMINING DUE PROCESS COMPLAINT INSUFFICIENT

NOVEMBER 5, 2025

On October 27, 2025, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, called OAH, naming Alhambra Unified School District. On October 31, 2025, Alhambra 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 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.) 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 46,540-46,541, 46,699.)

DISCUSSION

Student's complaint alleges three insufficiently pled claims. Student utilized an optional complaint form, that OAH provides to all parties on its website, to file her complaint. The form instructs the party to "[d]escribe the nature of the problem including all important facts. Provide details. Please attach separate sheets if necessary." As explained below, the complaint fails to provide Alhambra with the required problem description and the facts relating to the problem.

With respect to Issue One, Student alleges, "[d]isagree [Student] no longer qualifies for special education services – school don't follow stay put IEP." This issue does not provide sufficient facts to give Alhambra the required awareness and understanding of the issues forming the basis of the complaint. For example, and without determining this fact alone would make the issue sufficient, it is unclear which individualized education program, called IEP, Student believes Alhambra should implement. Therefore, Student's Issue One is insufficiently pled.

With respect to Issue Two, Student alleges, "[Alhambra] insisted not to revise misleading IEP even when requested 3x." This issue does not provide sufficient facts to give Alhambra the required awareness and understanding of the issues forming the basis of the complaint. For example, and without determining these facts would make the issue sufficient, it is unclear which IEP Student believes is misleading or how. Therefore, Student's Issue Two is insufficiently pled.

With respect to Issue Three, Student alleges, "[c]ompletely ignore IEE academic findings and also theirs." OAH interprets IEE to mean independent educational

evaluation. This issue does not provide sufficient facts to give Alhambra the required awareness and understanding of the issues forming the basis of the complaint. For example, and without determining these facts would make the issue sufficient, it is unclear which independent educational evaluation is at issue, when or whether the evaluation was provided to Alhambra, whether the evaluation was reviewed at an IEP team meeting, and how Alhambra allegedly ignored the findings. Therefore, Student's Issue Three is insufficiently pled.

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).) OAH interprets Student's complaint as including all her requested resolutions for all issues in the box on OAH's complaint form designated for Issue 1. The proposed resolutions stated in Student's complaint is not well-defined. However, Student has met the statutorily required standard of stating a resolution to the extent known and available to her at the time.

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.

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. All dates previously set in this matter are vacated.

IT IS SO ORDERED.

Ashok Pathi

Ashok Pathi
Administrative Law Judge
Office of Administrative Hearings