BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

MORAGA SCHOOL DISTRICT.

OAH CASE NUMBER 2025091009

ORDER DETERMINING DUE PROCESS COMPLAINT INSUFFICIENT

OCTOBER 14, 2025

On September 29, 2025, Parents on behalf of Student filed a due process hearing request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Moraga School District, called Moraga. On October 10, 2025, Moraga filed a notice of insufficiency as to the complaint.

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, called FAPE; (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, called 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.)

The IDEA affords parents and local educational agencies the procedural protection of an impartial due process hearing with respect to any matter relating to

the identification, assessment, or educational placement of the child, or the provision of a FAPE to the child. (20 U.S.C. § 1415(b)(6) & (f); 34 C.F.R. § 300.511; Ed. Code, §§ 56501, 56502, and 56505; Cal. Code Regs., tit. 5, § 3082.) Special education due process hearing procedures extend to the parent or guardian, to the student in certain circumstances, and to "the public agency involved in any decisions regarding a pupil." (Ed. Code, § 56502, subd. (a).)

A "public agency" is defined as "a school district, county office of education, special education local plan area, a nonprofit public charter school that is not otherwise included as a local educational agency, or any other public agency under the auspices of the state or any political subdivisions of the state providing special education or related services to individuals with exceptional needs." (Ed. Code, §§ 56500 and 56028.5.) California law places the primary responsibility for providing special education to eligible children on the local educational agency, usually the school district in which the parents of the child reside. (See, e.g., Ed. Code, §§ 48200, 56300, 56340 [describing local educational agency responsibilities], and 56344, subd. (c).) A local educational agency may contract with another public agency to provide special education and related services to an individual with exceptional needs. (Ed. Code, § 56369.)

Student's complaint contains five issues with multiple subparts. Moraga argues the issues are insufficiently pled because they fail to allege specific facts to put it on notice as to the allegations against it. As specified in more detail below, the complaint fails to sufficiently plead how Moraga denied Student a FAPE.

The complaint alleges five issues as to Moraga as follows:

1. Denial of FAPE beginning December 27, 2023, by failing to promptly assess Student and offer him an individualized education program, called IEP, by his third birthday on December 27, 2023.
2. Denial of FAPE beginning December 27, 2023, by failing to provide Student IEP placement and services beginning at the time of his third birthday on December 27, 2023.
3. Denial of FAPE from December 27, 2023, through the end of extended school year 2025 by failing to offer appropriate services and placement in the May 22, 2025, IEP, including a one-to-one aide, behavior interventions, and direct occupational therapy services.
4. Denial of FAPE from December 27, 2023, through the end of extended school year 2025 by failing to provide appropriate services and placement, including a one-to-one aide, behavior interventions, behavior therapy, direct speech and language services, and direct occupational therapy services.
5. Denial of FAPE by failing to file a due process complaint to determine if the May 22, 2024, IEP offered Student a FAPE.

The complaint is insufficiently pled for failing to allege facts demonstrating Moraga was the local educational agency responsible for Student's educational program and related services from December 27, 2023, through the date the complaint was filed. The complaint is devoid of facts demonstrating Moraga was the local educational agency responsible for providing Student a FAPE. In various parts of the complaint, Student alleges he resided within the Orinda Union School District, called Orinda Union, at all relevant times referenced in the complaint. The complaint alleges Orinda Union referred Student to Moraga for an early intervention assessment, held Student's IEP

team meeting on May 22, 2024, and engaged in various communications and discussions about Student's educational program through the date the complaint was filed. Student alleges Moraga and Orinda shared responsibility for Student's educational program, although only one local educational agency at a time is responsible for offering Student a FAPE. The complaint attributes various actions to both Orinda and Moraga, but does not specify any actions or omissions by Moraga. Therefore, the complaint is insufficiently pled because it fails to allege facts demonstrating that Moraga was the local educational agency responsible for providing Student a FAPE.

In addition, the complaint is insufficiently pled because it fails to allege specific facts describing how Moraga denied Student a FAPE. For example, the complaint lacks facts showing Moraga developed the challenged IEPs, the dates of the IEPs or the school years in which they were developed, or facts explaining how Moraga denied Student a FAPE. Each issue lacks sufficient facts about the problem to permit Moraga to respond and participate in a resolution session and mediation and prepare for hearing. Therefore, the complaint is insufficiently pled.

ORDER

1. Student's complaint is insufficiently pled under title 20 United States Code section 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). The amended complaint shall comply with the requirements of title 20 United States Code section 1415(b)(7)(A)(ii), and shall be filed not later than 14 days from the date of this order. The filing of an amended complaint will restart the applicable timelines for a due process hearing.

3. If Student fails to file a timely amended complaint, the complaint will be dismissed.
4. All dates previously set in this matter are vacated.

IT IS SO ORDERED.

Jennifer Kelly

Jennifer Kelly

Administrative Law Judge

Office of Administrative Hearings