BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

ANTIOCH UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025101098

ORDER DETERMINING DUE PROCESS COMPLAINT SUFFICIENT

NOVEMBER 14, 2025

On October 29, 2025, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Antioch Unified School District. On November 13, 2025, Antioch 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;
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 Board of Educ. v. Benton* (S.D.Ala. 2005) 406 F.Supp.2d 1248, 1259-1260; *Sammons v. Polk County School Board* (M.D.Fla., Oct. 28, 2005, 8:04CV2657T24EAJ) 2005 WL 2850076 [nonpub. opn.]; but cf. *M.S.-G v. Lenape Regional High School Dist. Board 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 46540-46541, 46699.)

Student's complaint sufficiently identifies the issues and adequate facts about the problems to permit Antioch to respond, participate in a resolution session and mediation, and prepare for hearing regarding the following claims, which arose in the two years before Student filed his complaint:

1. Did Antioch deny Student a free appropriate public education, called FAPE, by failing in the individualized education program, called an IEP, dated April 9, 2024, to offer Student applied behavior analysis services?
2. Did Antioch deny Student a FAPE by failing in the April 9, 2024 IEP to offer Student adequate speech services?
3. Did Antioch deny Student a FAPE by failing in the April 9, 2024 IEP to offer Student adequate occupational therapy?
4. Did Antioch deny Student a FAPE by failing in the April 9, 2024 IEP to offer parent training services regarding Student's behavioral concerns, how to meet Student's communication needs, and the use of assistive communication devices used at school?
5. Did Antioch deny Student a FAPE by failing in the August 22, 2024 IEP to offer Student applied behavior analysis services?
6. Did Antioch deny Student a FAPE by failing in the August 22, 2024 IEP to offer Student adequate speech services?
7. Did Antioch deny Student a FAPE by failing in the August 22, 2024 IEP to offer Student adequate occupational therapy?
8. Did Antioch deny Student a FAPE by failing in the August 22, 2024 IEP to offer parent training services regarding Student's behavioral concerns, how

to meet Student's communication needs, and the use of assistive communication devices used at school?

9. Did Antioch deny Student a FAPE by failing to appropriately assess Student in the February 2025 psychoeducational assessment?
10. Did Antioch deny Student a FAPE by failing to appropriately assess Student in the March 2025 speech and language assessment?
11. Did Antioch deny Student a FAPE by failing after April 16, 2025 to assess Student's hearing?
12. Did Antioch deny Student a FAPE by failing in the April 16, 2025 IEP to offer Student appropriate goals?
13. Did Antioch deny Student a FAPE by failing in the April 16, 2025 IEP to offer Student applied behavior analysis services?
14. Did Antioch deny Student a FAPE by failing in the April 16, 2025 IEP to offer Student adequate speech services?
15. Did Antioch deny Student a FAPE by failing in the April 16, 2025 IEP to offer Student adequate occupational therapy?
16. Did Antioch deny Student a FAPE by failing in the April 16, 2025 IEP to offer parent training services regarding Student's behavioral concerns, how to meet Student's communication needs, and the use of assistive communication devices used at school?
17. Did Antioch deny Student a FAPE by failing in the August 27 2025 IEP, as amended September 17, 2025, to offer Student appropriate goals?
18. Did Antioch deny Student a FAPE by failing in the August 27 2025 IEP, as amended September 17, 2025, to offer Student applied behavior analysis services?

19. Did Antioch deny Student a FAPE by failing in the August 27 2025 IEP, as amended September 17, 2025, to offer Student adequate speech services?
20. Did Antioch deny Student a FAPE by failing in the August 27 2025 IEP, as amended September 17, 2025, to offer Student adequate occupational therapy?
21. Did Antioch deny Student a FAPE by failing in the August 27 2025 IEP, as amended September 17, 2025, to offer parent training services regarding Student's behavioral concerns, how to meet Student's communication needs, and the use of assistive communication devices used at school?
22. Did Antioch deny Student a FAPE by failing after September 17, 2025, to conduct a functional behavior analysis assessment?

Therefore, Student's statement of the above-described 22 issues is sufficient.

ORDER

1. The complaint is sufficient under title 20 United States Code section 1415(b)(7)(A)(ii) regarding the 22 issues described above.
2. All prehearing conference and due process hearing dates in this matter are confirmed.

IT IS SO ORDERED.

Kara Hatfield

Kara Hatfield
Administrative Law Judge
Office of Administrative Hearings