BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

BUCKEYE UNION SCHOOL DISTRICT.

OAH CASE NUMBER 2026041031

ORDER GRANTING REQUEST FOR RECONSIDERATION AND DETERMINING STUDENT'S REQUEST FOR DUE PROCESS SUFFICIENT

MAY 20, 2026

On May 15, 2026, the undersigned Administrative Law Judge issued an order determining Student's due process complaint sufficient. On May 18, 2026, Buckeye Union School District filed a Motion for Reconsideration of Notice of Insufficiency. On May 19, 2026, Student filed an opposition to Buckeye's motion. On May 19, 2026, Buckeye filed a reply to Student's opposition.

APPLICABLE LAW

The Office of Administrative Hearings will generally reconsider a ruling upon a showing of new or different facts, circumstances, or law justifying reconsideration, when the party seeks reconsideration within a reasonable period of time, generally within ten days. (See, e.g., Gov. Code, § 11521; Code Civ. Proc., § 1008.) The party seeking reconsideration may also be required to provide an explanation for its failure to previously provide the different facts, circumstances or law. (See *Baldwin v. Home Savings of America* (1997) 59 Cal.App.4th 1192, 1199-1200.)

DISCUSSION

Buckeye offers new facts, circumstances or law. to support reconsideration. Specifically, Buckeye contends it did not receive Student's complaint until April 28, 2026. Student's reply contends the complaint was delivered to Buckeye Union on April 23, 2026. In its reply, Buckeye provided a sworn statement from Kellee Sellwood, the administrative assistant to the Superintendent of Buckeye Union School District attesting to receiving the document on April 28, 2026, processing it, and delivering it to both the Assistant Superintendent of Administrative Services and the Director of Special education that same day. Accordingly, Buckeye's motion for reconsideration is granted.

NOTICE OF INSUFFICIENCY

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.)

On reconsideration, Student's request for due process is a 15-page document. The document appears to have a statement of facts narrative written by Parent. The issue statement is written in a question and answer format. While, Student's complaint is unconventional, it does address the school year Parents allege Buckeye denied Student a FAPE; discusses disagreement with Student's goals, accommodations, services, and placement; alleges Buckeye failed to implement Student's IEP; and that Buckeye denied Parents meaningful participation in Student's IEP process. Given the liberal pleading requirements as established under the IDEA, the complaint is sufficient to allow

parties to participate in resolution session and mediate. Should the matter proceed to hearing, the remaining issues will be clarified at the prehearing conference.

ORDER

Buckeye's motion for reconsideration is granted. On reconsideration, Student's request for due process filed on April 21, 2026, is determined sufficient. All dates set in this matter are confirmed.

IT IS SO ORDERED.

Tiffany Gilmartin

Tiffany Gilmartin
Administrative Law Judge
Office of Administrative Hearings