BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026020645

ORDER DETERMINING DUE PROCESS COMPLAINT PARTIALLY INSUFFICIENT

FEBRUARY 26, 2026

On February 10, 2026, Parent, on behalf of Student, filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, called OAH, naming West Contra Costa Unified School District as respondent. On February 25, 2026, West Contra Costa 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 party has the right to file a notice asserting a complaint is insufficient within 15 days of receiving a request for due process hearing. (20 U.S.C. § 1415 (c)(2)(C); Ed. Code § 56502, subd. ((d)(1).) 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 Individuals with Disabilities Education Act, or 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 Fed. Reg. 46541, 46699.)

Within five days of receipt of a notice of insufficiency, a determination must be made on the face of the notice of whether the complaint meets the requirements of United States Code section 20 section 1415 (b)(7)(A), and shall immediately notify the parties of writing of such determination. (20 U.S.C. § 1415 (c)(2)(D); 34 C.F.R 300.508 (d)(2).)

COMPLAINT PARTIALLY INSUFFICIENT

Student alleges seven claims. Issue two is a sufficient claim. Issues one, three, four, five, six, and seven, plead insufficient facts to put West Contra Costa on notice of the claims it must prepare to defend.

ISSUE ONE

Issue one alleges, "The district denied student a FAPE by failing to properly provide timely, comprehensive assessments in all areas of suspected disability**."** This issue fails to identify which psychoeducational assessment is at issue. The factual narrative of the complaint references a psychoeducational complaint that was completed in January of 2024. The issue statement references an "incomprensive [sic] 2023 psychoeducational assessment" on which the district relied "throughout the statutory period." This is confusing. The complete date of the assessment being challenged is not provided. The vague and generalized allegations that follow compound the inability to understand what Student is alleging. Thus, West Contra Costa has no way of preparing for resolution session, mediation or hearing. Issue one is insufficiently pled.

ISSUE TWO

Issue two alleges, "The district denied the student a FAPE by failing to implement the student's IEPs during the statutory period." While the issue statement is not clear in itself, the facts following the issue statement allege that West Contra Costa failed to implement specialized academic instruction and accommodations. The complaint goes on to allege the services West Contra Costa claimed Student was receiving, specifically ASDI and RSP tutorial were "functionally reduced to consolidation, peer collaboration, and office hours" which did not meet Student's needs. Student also pled that the district failed to implement, "essential access accommodations tied to Ava's worsening misophonia and anxiety." Additional facts follow specifying which accommodations were not provided. Finally, the statement that the failure to implement Student's IEPs occurred "in the statutory period, is interpreted to mean the basic two year statute of limitations that encompasses the time frame two years prior to the date of filing, in this case February 10, 2024, to February 10, 2026. This issue is sufficiently clear to allow West Contra Costa the ability to prepare for resolution session, mediation, or hearing. Issue two is sufficiently pled.

ISSUE THREE

Issue three alleges, "The district denied the student a FAPE by failing to tailor appropriate goals, services, and educational programs to meet the student's individual and unique needs.**"** This issue fails to offer any specific information allowing West Contra Costa to understand the claims being asserted against it.

The inadequacy of the issue statement is not cured by the narrative statements following it, which are also vague and ambiguous. The statements are generalities, offering no specific violations of FAPE that West Contra Costa is able to investigate or

defend. Statements such as "District relied on generic, program-driven supports and misaligned goals that did not address the barriers preventing Ava from accessing instruction;" or, "The District's inadequate goals and minimal services left Ava without meaningful educational benefits and caused her to expend unsustainable effort to keep up. By prioritizing its program model over Ava's individualized needs, the District contributed to worsening anxiety and sensory overwhelm, loss of classroom access, and the educational and emotional deterioration that ultimately forced her to leave the District," do not clarify the FAPE violations being alleged or when they occurred. West Contra Costa is left with inadequate information to prepare for resolution session, mediation or hearing. Issue three is insufficiently pled.

ISSUE FOUR

Issue four alleges, "The district denied the student a FAPE by failing to ensure the student was placed in the LRE during the statutory period. " This issue statement is muddied by the duplicative facts asserted following the issue statement.

While the issue appears to plead a failure to provide a placement in the least restrictive environment, Student's following factual allegations assert Student was denied FAPE by because "the District relied on program-driven placements." Use of vague statements such as "program driven placements" without definition or description, coupled with the allegation following that said, "It failed to provide essential accommodations and services to make the setting workable for her disability-related needs," results in West Contra Costa being unable to determine to whether Student is alleging a failure to offer a placement that met Student's needs, which was not part of the issue statement, a failure to offer a placement that was in the least restrictive environment, or a failure to implement accommodations. The last of these is further confused by the statement, "Without timely supports such as a quiet workspace,

appropriate academic assistance, and sensory and mental-health accommodations, Student could not meaningfully access instruction, and was effectively segregated from learning despite being nominally "in" general education. The District's placement decisions, therefore, violated LRE and denied Ava educational benefits during the statutory period." This issue fails to put West Contra Costa on notice of the issue or issues being pled to allow the district the ability to prepare for resolution session, mediation, or hearing. As pled, issue four is insufficient.

ISSUE FIVE

Issue five alleges, "The district failed to make parents meaningful participants in the IEP process throughout the statutory period, resulting in a substantive loss of FAPE." Unlike issue two which asserted the failure to implement IEPs, this issue's failure to identify when West Contra Costa deprived Parents of a meaningful opportunity to participate in the IEP development process, as well as specifically how West Contra Costa deprived Parents of a meaningful opportunity to participate, renders this issue inadequate. The facts mention a failure to timely convene an IEP team meeting in response to Parent requests without any date references Nor does the allegation that West Contra Costa "treated essential IEP decisions as informal, site-level matters, depriving Parents of any real opportunity to collaborate on revisions" offer adequate information for West Contra Costa to understand the claim being alleged. Without descriptions of what IEP decisions are being referenced, and when they occurred, issue five is insufficiently pled as it fails to give West Contra Costa adequate information to prepare for resolution session, mediation or hearing.

ISSUE SIX

Issue six alleges, "The district denied student FAPE by failing to consider a continuum of placement options for the student." This issue is unclear because while

the issue asserts a failure to consider a continuum of placement options, the narrative following the issue asserts predetermination of placement, adding "and failing to consider a continuum of placement options during the statutory period." An allegation that West Contra Costa failed to consider a continuum of placement options requires facts describing which IEP meetings failed to consider a continuum of placement options. Furthermore, predetermination is not an included element of a failure to consider a continuum of placement options. West Contra Costa is not required to guess whether a claim is being raised. This issue fails to give adequate notice of the allegations West Contra Costa must prepare to address in resolution session, mediation or hearing. As pled, issue six is insufficient.

ISSUE SEVEN

Issue seven alleges, "The district denied student FAPE by failing to hold an IEP team meeting in response to the student's increasing needs during the statutory period. This issue fails to offer facts necessary to determine why this is not duplicative of issue five which also alleges a failure to convene an IEP team meeting in response to Student's increasing needs. Furthermore, it fails to put West Contra Costa on notice of when Student is alleging West Contra Costa failed to convene a needed IEP meeting after notice of increasing needs was received. This issue, along with several of the others described, included language copied from prior issue narratives, some of which do not appear to relate to the issue stated, which results in the pleadings being confusing and ultimately incomprehensible. As a result, West Contra Costa is unable to understand the allegations against it adequately to prepare for resolution session, mediation or hearing. As pled, issue seven is insufficient.

ORDER

1. Issue two of Student's complaint, in OAH case number 2026020645 is sufficient under title 20 U.S.C. section 1415(b)(7)(A)(ii).
2. Issues one, three, four, five, six and seven of Student's complaint are insufficiently pled under title 20 United States Code section 1415(c)(2)(D).
3. Student shall be permitted to file an amended complaint under title 20 United States Code section 1415(c)(2)(E)(i)(II).
4. 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. The filing of an amended complaint will restart the applicable timelines for a due process hearing.
5. If Student fails to file a timely amended complaint, the hearing shall proceed only on Issue two of her complaint.

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl
Administrative Law Judge
Office of Administrative Hearings