BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

CUPERTINO UNION SCHOOL DISTRICT.

OAH CASE NUMBER 2026071182

ORDER DETERMINING DUE PROCESS COMPLAINT PARTIALLY SUFFICIENT

AUGUST 17, 2026

On July 28, 2026, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Cupertino Union School District. Student's complaint alleged both expedited and non-expedited issues.

On August 12, 2026, Cupertino timely filed a Notice of Insufficiency as to the complaint.

BACKGROUND

Student has a significant history of filing complaints against Cupertino. Student has filed at least nine complaints against Cupertino. Student's current complaint raises 75 issues, including issues that have been decided by OAH in previous matters.

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; *Sammons v. Polk County School Bd.* (M.D. Fla., Oct. 28, 2005, 8:04CV2657T24EAJ) 2005 WL 2850076 [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, 46,699.)

EXPEDITED ISSUES ARE NOT SUBJECT TO THE NOTICE OF INSUFFICIENCY PROCEDURES

Title 20 United States Code section 1415(k)(3) permits a party to request an expedited hearing for specific reasons. Specifically, an expedited hearing can be requested to appeal a disciplinary change of placement, such as placement in an alternative education setting or a manifestation determination regarding student conduct. This section requires an expedited hearing start within 20 school days from the hearing request. There is no provision for expedited hearings under section 1415(k) to test the complaint's sufficiency, as there is insufficient time to complete the notice of insufficiency process in expedited hearings.

Issues 6-10, 17-32, and 59-75 raise expedited claims. These 38 expedited claims are not subject to the Notice of Insufficiency procedures. Cupertino has offered no legal authority allowing a sufficiency determination as to expedited claims. This finding does

not prohibit Cupertino from raising any affirmative defenses or seeking to dismiss these issues through its currently pending Motion to Dismiss.

STUDENT'S NON-EXPEDITED ISSUES

The remaining 37 of Student's issues raise non-expedited claims, and are subject to the Notice of Insufficiency procedures. Cupertino argues that issues 1-5, 11-13, 15, 16, 33-48, and 50-58 are insufficient. However, sufficiency determinations are not limited to the issues specifically raised by the challenging party. As explained below, all 37 of Student's non-expedited issues are insufficiently pled.

All of Student's issues are pled under a heading which states as follows:

> Unless otherwise specified, the dates for the following issues are 25-26, 24-25, 23-24 school years (during regular instruction hours, after hours, ELO-P and extended school year hours). The Respondent unilaterally voided Settlements dated July 22, 2026 and April 10, 2025; therefore, no discharge or release of claims against Respondent are applicable here.

Several of Student's issues do not allege separate timeframes. Because of this, many of Student's issues allege claims beyond the applicable 2-year statute of limitations. (*J.R. by and through Perez v. Ventura Unif. Sch. Dist.* (9th Cir. 2026) 173 F.4th 1039, 1044 [citing 20 U.S.C. § 1415(f)(3)(C).) Even some issues that do allege a separate timeframe, such as Issue 42, still allege claims beyond the statute of limitations.

However, Student does not sufficiently allege any exception to the statute of limitations. (20 U.S.C. § 1415(f)(3)(D).) Accordingly, any non-expedited claim arising prior to July 28, 2024, is insufficiently pled.

Several of Student's non-expedited issues are vague or overly broad. For example, Issue 47 alleges that Cupertino failed to implement unspecified goals. This issue is vague and does not provide Cupertino any understanding of the claim or claims Student seeks to bring.

Adding further confusion, Student's complaint includes two separate sections describing what Student believes are relevant facts. One of the sections is labeled as pertaining to Issues 31 through 67 only. However, the information included in these sections does little to explain the issues Student has pled. Instead, Student appears to have copied large portions of the current complaint from previous motions in other matters, or other previous filings. Overall, Student's complaint is disjointed, disorganized, peppered with conclusory statements and provides little to no context to understand Student's non-expedited issues.

Even considering the liberal pleading requirements under special education law, Student's 37 non-expedited issues are insufficiently pled. Cupertino is entitled to notice of the claims asserted against it. Cupertino is not required to sift through 65 pages of sometimes difficult to follow text, to try to figure out which alleged facts pertain to each claim. Student has failed to provide adequate facts about these issues to permit Cupertino to respond and participate in a resolution session, mediation, and due process hearing.

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. Issues 6-10, 17-32, and 59-75 complaint raise expedited claims and are not subject to a sufficiency determination. This Order does not prohibit Cupertino from raising any affirmative defenses or seeking to dismiss these issues through its currently pending Motion to Dismiss.
2. Issues 1-5, 11-16, and 33-58 are insufficiently pled under title 20 United States Code section 1415(c)(2)(D).
3. The non-expedited prehearing conference and due process hearing dated are vacated.
4. Student shall be permitted to file an amended complaint under title 20 United States Code section 1415(c)(2)(E)(i)(II).
5. 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 the non-expedited due process hearing.
6. If Student fails to file a timely amended complaint, the hearing shall proceed only on Issues 6-10, 17-32, and 59-75, which are the expedited issues.

IT IS SO ORDERED.

Ashok Pathi

Ashok Pathi
Administrative Law Judge
Office of Administrative Hearings