BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

GLENDALE UNIFIED SCHOOL DISTRICT AND LOS ANGELES COUNTY OFFICE OF EDUCATION

OAH CASE NUMBER 2026030048

ORDER DETERMINING DUE PROCESS COMPLAINT INSUFFICIENT AS TO LOS ANGELES COUNTY OFFICE OF EDUCATION

MARCH 11, 2026

On February 27, 2026, Parent, on behalf of Student, filed a Due Process Hearing Request, also called a complaint, with the Office of Administrative Hearings, called OAH, naming Glendale Unified School District and Los Angeles County Office of Education as respondents. OAH determined the complaint raised both expedited and non-expedited claims, scheduled the case for separate prehearing conferences and hearings on the expedited and non-expedited issues. On March 9, 2026, Los Angeles County Office of Education 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 title 20 United States Code 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 INSUFFICIENT AGAINST LOS ANGELES COUNTY OFFICE OF EDUCATION

Student's complaint fails to allege any claims against Los Angeles County Office of Education. The only mention of the Los Angeles County Office of Education in the complaint is in the list of entities with whom the filing party "wished to schedule a due process hearing." No facts stating the Los Angeles County Office of Education was involved in Student's special education program, or indeed any other aspect of Student's education, is stated. No expedited claims are stated against Los Angeles County Office of Education.

DISMISSAL NOT AVAILABLE BASED ON A NOTICE OF INSUFFICIENCY

Los Angeles County Office of Education asks that OAH dismiss the complaint against it because the complaint is insufficient. A notice of insufficiency is not a request for dismissal. OAH does not dismiss complaints based on a notice of insufficiency without giving the filing party the opportunity to amend the complaint. Here, Student will be offered the opportunity to amend the complaint to state claims against the County Office of Education.

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. Student's complaint is insufficiently pled against the Los Angeles County Office of Education under section title 20 United States Code 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).
3. 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.
4. If Student fails to file an amended complaint within 14 days of this order, that states claims against Los Angeles County Office of Education, the complaint will be dismissed as to Los Angeles County Office of Education.
5. The claims shall proceed against Glendale Office of Education unless otherwise ordered.

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl

Administrative Law Judge, Office of Administrative Hearings