BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

FOLSOM-CORDOVA UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025110755

# ORDER DETERMINING DUE PROCESS COMPLAINT PARTIALLY SUFFICIENT

DECEMBER 3, 2025

On November 12, 2025, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Folsom-Cordova Unified School District. The proof of service declares Student served Folsom-Cordova by United States Postal Service on November 12, 2025. On December 1, 2025, Folsom-Cordova filed a Notice of Insufficiency of the complaint. Folsom-Cordova asserts it received Student's complaint "on or about" November 18, 2025.

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, called FAPE;
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, called 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.)

The complaint is deemed sufficient unless a party notifies OAH and the other party in writing within 15 days of receiving the complaint that the party believes the complaint has not met the notice requirements. (20 U.S.C. § 1415(c)(2)(C); Ed. Code, § 56502, subd. (d)(1).)

Student's complaint was filed on November 12, 2025. Folsom-Cordova was served by mail and asserts it received the complaint on November 18, 2025. Folsom-Cordova's Notice of Insufficiency was dated, filed with OAH, and served on Student's attorney on December 1, 2025. Although more than 15 days after Student's complaint was filed, it is less than 15 days after Folsom-Cordova received Student's complaint. Further, even if Folsom-Cordova had received Student's complaint on November 12, 2025, or shortly thereafter, Folsom-Cordova's deadline to file would have been on Thursday, November 27, 2025, which was Thanksgiving, or the following three days, during which OAH was closed. Folsom-Cordova's time to file would have been extended to the date on which Folsom-Cordova filed the Notice of Insufficiency. (Code Civ. Proc., §12a.)

Student's complaint asserts 17 issues that are labeled with capital letters A through Q. For purposes of reviewing their sufficiency, they will instead be numbered according to their position in the alphabet, with 1 for A, 2 for B, and so forth.

Student asserts all claims relate to Folsom-Cordova denying him a FAPE during the 2023-2025 school years. Student makes no assertion that he seeks to pierce the

two-year statute of limitations and it is understood that Student claims the various actions and inactions of Folsom-Cordova from November 12, 2023, two years before Student filed his complaint, through the date on which the complaint was filed, denied Student a FAPE. The factual allegations in Student's complaint during the statutory period concern various actions and inactions of Folsom-Cordova during the 2023-2024, 2024-2025, and 2025-2026 school years, between November 12, 2023, and November 12, 2025.

Student's Issue 1 alleges Folsom-Cordova denied him a FAPE by failing to provide him with an education designed to promote meaningful academic progress and reasonably calculated to enable him to make progress appropriate in light of his circumstances, citing to the definition of a FAPE from the most recent United States Supreme Court decision on the topic. Which is to say, Student's Issue 1 asserts Folsom-Cordova denied him a FAPE by failing to provide him a FAPE. This is circular and insufficient to inform Folsom-Cordova of the basis for Student's claim. Student's other issues state specific claims and are addressed below. The allegations stated or repeated under Issue 1 provide sufficient facts of the reason Parents are dissatisfied with the individualized education programs, called IEPs, Folsom-Cordova has offered Student since November 12, 2023, explain the ways in which Student contends his stay-put IEP dated September 15, 2022, has not been implemented while Parents have disagreed with Folsom-Cordova's recommendations and offers, and are useful regarding other issues in Student's complaint. But on its own, Issue 1 is not only overinclusive of the other claims in the complaint, it is insufficiently pleaded.

Student's Issue 2 alleges Folsom-Cordova denied him a FAPE by failing to materially and appropriately provide him with any meaningful educational benefit. This claim is redundant of Issue 1. The allegations stated or repeated under Issue 2 provide

sufficient facts of the reason Parents are dissatisfied with the IEPs Folsom-Cordova has offered Student since November 12, 2023, explain the ways in which Student contends his stay-put IEP dated September 15, 2022, has not been implemented while Parents have disagreed with Folsom-Cordova's recommendations and offers, and are useful regarding other issues in Student's complaint. But on its own, Issue 2 is not only overinclusive of the other claims in the complaint, it is insufficiently pleaded.

Student's Issue 3 alleges Folsom-Cordova denied him a FAPE by failing in all IEPs it has offered Student since November 12, 2023, to address Student's social-emotional needs, academics, and safety issues. Student alleges Folsom-Cordova failed in each IEP offered since November 12, 2023, to offer Student appropriate goals in social-emotional skills, academics, safety/behavior, and language/communication. Student further alleges Folsom-Cordova failed in each IEP offered since November 12, 2023, to offer Student appropriate accommodations related to Student's use of American Sign Language, called ASL, including an ASL journal as Student had in the September 15, 2022 IEP. Student's complaint in total provides Folsom-Cordova an awareness and understanding of the problem adequate to allow Folsom-Cordova to prepare for hearing and to participate in a resolution session and mediation. Issue 3 is sufficiently pleaded for the claim described in this paragraph.

Student's Issue 4 alleges Folsom-Cordova denied him a FAPE by failing in all IEPs it has offered Student since November 12, 2023, to document accurate present levels of performance regarding language/communication. Student alleges this has resulted in Folsom-Cordova failing in all IEPs it has offered Student since November 12, 2023, to offer measurable goals in language/communication. Student's complaint in total provides Folsom-Cordova an awareness and understanding of the problem adequate to

allow Folsom-Cordova to prepare for hearing and to participate in a resolution session and mediation. Issue 4 is sufficiently pleaded for the claim described in this paragraph.

Student's Issue 5 alleges Folsom-Cordova denied him a FAPE by materially failing since November 12, 2023, to implement Student's stay-put IEP dated September 15, 2022, regarding Student always having an ASL-fluent aide, having that aide teach Student new signs and reinforce previously taught signs, and documenting the new and reinforced signs in an ASL journal. Student's complaint in total provides Folsom-Cordova an awareness and understanding of the problem adequate to allow Folsom-Cordova to prepare for hearing and to participate in a resolution session and mediation. Issue 5 is sufficiently pleaded for the claim described in this paragraph.

Student's Issue 6 alleges Folsom-Cordova denied him a FAPE by materially failing since November 12, 2023, to implement Student's stay-put IEP dated September 15, 2022, regarding his behavior intervention plan because Folsom-Cordova has not consistently implemented Student's IEP service of always having an ASL-fluent aide. Student's complaint in total provides Folsom-Cordova an awareness and understanding of the problem adequate to allow Folsom-Cordova to prepare for hearing and to participate in a resolution session and mediation. Issue 6 is sufficiently pleaded for the claim described in this paragraph.

Student's Issue 7 alleges Folsom-Cordova denied him a FAPE by failing in all IEP team meetings it has held since November 12, 2023, to consider the continuum of placement options and to offer Student placement in the least restrictive environment. Student alleges Folsom-Cordova deprived Student of educational integration because it refused to offer a fully trained one-to-one aide to accompany Student at all times as a communication support. Student's complaint in total provides Folsom-Cordova an awareness and understanding of the problem adequate to allow Folsom-Cordova to

prepare for hearing and to participate in a resolution session and mediation. Issue 7 is sufficiently pleaded for the claim described in this paragraph.

Student's Issue 8 alleges Folsom-Cordova "failed to offer Parents meaningful participation in the development of Student's IEP," which is understood to mean at all IEP team meetings Folsom-Cordova has held since November 12, 2023, and in all other ways since November 12, 2023, Folsom-Cordova has significantly impeded Parents' opportunity to participate in the decisionmaking process regarding the provision of a FAPE to Student. Student describes how Parents presented ideas and made suggestions, requests, and demands relating to Student's primary mode of communication being ASL and what Student needed for communication support, but Folsom-Cordova personnel would not listen to Parents and did not genuinely consider Parents' concerns and requests. Student's complaint in total provides Folsom-Cordova an awareness and understanding of the problem adequate to allow Folsom-Cordova to prepare for hearing and to participate in a resolution session and mediation. Issue 8 is sufficiently pleaded for the claim described in this paragraph.

Student's Issue 9 alleges Folsom-Cordova "failed to offer Parents meaningful participation," which is understood to mean at all IEP team meetings Folsom-Cordova has held since November 12, 2023, and in all other ways since November 12, 2023, Folsom-Cordova has significantly impeded Parents' opportunity to participate in the decisionmaking process regarding the provision of a FAPE to Student, by "refusing to provide Parent[s] with the critical information, such as information, data, tests, assessments, and timely evaluations, that they needed to make informed decisions regarding Student's placement and aide." Student asserts the three-year-review assessments from October 2024 were untimely, contained errors, and were inconsistent. Student asserts Folsom-Cordova claimed Student had incidents of maladaptive

behaviors but when Parents requested information about them, reports were not provided or were provided much later. Student's complaint in total provides Folsom-Cordova an awareness and understanding of the problem adequate to allow Folsom-Cordova to prepare for hearing and to participate in a resolution session and mediation. Issue 9 is sufficiently pleaded for the claim described in this paragraph.

Student's Issue 10 alleges Folsom-Cordova predetermined its offers for all IEPs offered since November 12, 2023. Student asserts Folsom-Cordova decided without accurate data that Student should use a device for augmentative and alternative communication and has insisted Student attempt to develop skill with such a device rather than rely on ASL for communication, has refused to develop goals to address Student's language and communication needs and skills with ASL, and has refused to consider placing Student at a school that provides instruction in ASL because Student is not deaf or hard of hearing. Student's complaint in total provides Folsom-Cordova an awareness and understanding of the problem adequate to allow Folsom-Cordova to prepare for hearing and to participate in a resolution session and mediation. Issue 10 is sufficiently pleaded for the claim described in this paragraph.

Student's Issue 11 alleges Folsom-Cordova failed to give Parents appropriate prior written notice "for any and all substantive requests from Parents." Student asserts Parents did not receive a prior written notice regarding their request to change Student's placement to a deaf/hard of hearing school where he could be instructed and communicate in ASL, regarding Folsom-Cordova's failure to implement Student's stay-put IEP dated September 15, 2022, regarding the ASL aide, the ASL journal, and the behavior intervention plan, or regarding failing to give Parents the maladaptive behavior incident reports they requested. Student's complaint in total provides Folsom-Cordova an awareness and understanding of the problem adequate to allow Folsom-Cordova to

prepare for hearing and to participate in a resolution session and mediation. Issue 11 is sufficiently pleaded for the claim described in this paragraph.

Student's Issue 12 alleges Folsom-Cordova failed to timely deliver emergency reports to Parents. Student states since November 12, 2023, Folsom-Cordova either failed to provide Parents reports regarding behavioral emergencies that resulted in Student being removed from school because of harm to himself or other students, or provided Parents reports that were inadequate, incomplete, or untimely. Student's complaint in total provides Folsom-Cordova an awareness and understanding of the problem adequate to allow Folsom-Cordova to prepare for hearing and to participate in a resolution session and mediation. Issue 12 is sufficiently pleaded for the claim described in this paragraph.

Student's Issue 13 alleges Folsom-Cordova failed to give Parents Student's educational records within five days of their requests. Student lists three categories of documents Parents requested but did not receive from, Folsom-Cordova within five days of the requests:

- Three-year-review assessment reports and drafts;
- Behavior incident reports; and
- Service logs.

Student's complaint does not specify the dates on which each or any of these records were requested. However, this information can be readily gained through a resolution session, mediation, and at the latest upon request at the prehearing conference. Student's complaint in total provides Folsom-Cordova an awareness and understanding of the problem adequate to allow Folsom-Cordova to prepare for hearing and to

participate in a resolution session and mediation. Issue 13 is sufficiently pleaded for the claim described in this paragraph.

Student's Issue 14 alleges Folsom-Cordova failed to timely hold an IEP team meeting. Student specifies this concerns the three-year-review IEP for fall 2024. Student's complaint in total provides Folsom-Cordova an awareness and understanding of the problem adequate to allow Folsom-Cordova to prepare for hearing and to participate in a resolution session and mediation. Issue 14 is sufficiently pleaded for the claim described in this paragraph.

Student's Issue 15 alleges Folsom-Cordova failed to conduct assessments within the 60-day timeline, and failed to conduct appropriate assessments. Student specifies this concerns the three-year-review assessments in fall 2024, which were completed more than 60 days after Parents consented to the assessment plan and contained inaccurate data and false conclusions. Student's complaint in total provides Folsom-Cordova an awareness and understanding of the problem adequate to allow Folsom-Cordova to prepare for hearing and to participate in a resolution session and mediation. Issue 15 is sufficiently pleaded for the claim described in this paragraph.

Student's Issue 16 alleges Folsom-Cordova failed to provide Student a safe and appropriate learning environment. Student specifies he was prevented from being able to communicate, which caused him to exhibit maladaptive behaviors and sustain multiple injuries, some requiring hospital visits. Student's complaint includes some specific dates between November 12, 2023, and the date on which the complaint was filed on which Student experienced safety concerns at school. Issue 16 relates to and seems to be part and parcel of Student's other claims regarding Folsom-Cordova materially failing to implement Student's ASL-trained aide and behavior intervention plan. Student's complaint in total provides Folsom-Cordova an awareness and

understanding of the problem adequate to allow Folsom-Cordova to prepare for hearing and to participate in a resolution session and mediation. Issue 16 is sufficiently pleaded for the claim described in this paragraph.

Student's Issue 17 alleges Folsom-Cordova violated the Family Educational Rights and Privacy Act by giving Parents the service logs for Student's ASL-trained aide that included the names and placements of all students receiving ASL-trained aide services, violating privacy protections for those Students. Student's complaint provides Folsom-Cordova an awareness and understanding of the problem adequate to allow Folsom-Cordova to prepare for hearing and to participate in a resolution session and mediation. Issue 17 is sufficiently pleaded for the claim described in this paragraph.

## ORDER

1. Issues 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 of Student's complaint are sufficient under title 20 United States Code section 1415(b)(7)(A)(ii), as defined and limited above.
2. Issues 1 and 2 of Student's complaint are insufficiently pleaded under title 20 United States Code section 1415(c)(2)(D), as are any parts of Issues 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 Student attempted to plead that are not described by this Order.
3. If Student seeks to state any claims beyond those identified as sufficiently pleaded in this Order, Student is permitted to file an amended complaint under title 20 United States Code section 1415(c)(2)(E)(i)(II). The amended complaint shall comply with the requirements of title 20 United States Code section 1415(b)(7)(A)(ii), and shall be filed not later than 14 days from the date of this Order.

4. 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 Issues 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 of Student's complaint, as defined and limited above.

IT IS SO ORDERED.

*Kara Hatfield*

Kara Hatfield
Administrative Law Judge
Office of Administrative Hearings