BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

UKIAH UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026040469

ORDER DETERMINING DUE PROCESS COMPLAINT PARTIALLY INSUFFICIENT

APRIL 20, 2026

On April 6, 2026, Parent, on behalf of Student, filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Ukiah Unified School District as respondent. OAH determined the complaint appeared to include expedited issues and non-expedited issues. As a result, OAH scheduled the complaint for dual expedited and non-expedited hearing dates. On April 15, 2026, Ukiah filed a Notice of Insufficiency as to the complaint. On April 16, 2026, Student filled her opposition to the insufficiency notice.

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.)

SUFFICIENCY DETERMINATION PROCESS NOT AVAILABLE FOR EXPEDITED CLAIMS

Section 1415(k)(3) of title 20 of the United States Code permits a party to request an expedited hearing for specific reasons. An expedited hearing can be requested to appeal a disciplinary change of placement, such as placement in an alternative education setting, or another change in placement after ten days of disciplinary placement changes. An expedited hearing can also be requested to appeal the outcome of a manifestation determination regarding student conduct to request that a required manifestation determination meeting be held. This section requires an expedited hearing start within 20 school days from the hearing request. There is no provision for testing the complaint's sufficiency in expedited hearings under section 1415(k) of title 20 of the United States Code. Indeed, there is insufficient time to complete the notice of insufficiency process and comply with the prescribed timeline for expedited hearings.

In this case, the complaint alleges both expedited and non-expedited claims.

Student alleges the following Expedited Claim:

1. District refused to conduct a manifestation determination upon Parent request.

OAH does not have discretion to determine whether or not to offer expedited hearings under the IDEA. Contrary to Student's assertion in her opposition to Ukiah's insufficiency notice, OAH does not make a ruling regarding whether issues "meet the

requirements for expedited processing" that Ukiah's notice of insufficiency is asking to be "relitigated." OAH schedules cases for expedited hearings when any issues pled appear to assert expedited issues. In some cases, the filing party did not intend the issues to be expedited, and withdraws the expedited issues. The mandatory requirement that issues potentially raising violations of 1415(k) be decided on an expedited basis eliminates the opportunity to determine their sufficiency in advance of hearing. Nothing in this order prohibits Ukiah from seeking clarification of the expedited issues during the expedited prehearing conference.

UKIAH asks OAH to consider whether the expedited claim in this case is sufficient, despite its knowledge that rulings in other cases seeking sufficiency determinations of expedited claims have declined to do so. Ukiah offers no legal authority allowing a different determination here.

NON-EXPEDITED ISSUES' SUFFICIENCY

Student's complaint alleges nine claims in the complaint. Issue one has been identified as expedited and is not subject to a sufficiency evaluation.

Minimal pleading standards apply to requests for due process pursuant to the IDEA. (*Schaffer ex rel. Schaffer v. Weast*, (2005) 546 U.S. 49, 54 [126 S.Ct. 528, 163 L.Ed.2d 387].) As explained previously, pleading requirements are liberally construed to accomplish the broad remedial goals of the IDEA. (*Alexandra R. ex rel. Burke v. Brookline School Dist., supra*, 2009 WL 2957991[nonpub. opn.]; *Escambia County Bd. Of Educ. V. Benton* , *supra,* 406 F.Supp.2d at pp. 1259-1260.]

Issues two, three, four, five, six, seven, eight and nine are insufficiently pled to put Ukiah on notice as to the basis of Student's claims to allow it to prepare for resolution session, mediation, or hearing.

Issue two fails to identify the date Ukiah failed to acknowledge or document Parent's manifestation determination request and how that incident violated the IDEA.

Issue three failed to identify when Ukiah allowed an "unapproved" participant at an event, or what he participated in despite Parent's objections.

Issue four fails to identify the date or a description of "the incident" during which Ukiah allegedly failed to implement Student's behavior intervention plan.

Issue five does not identify the behavior, or the disability involved, or the date of staff admissions, or how these allegations relate to a denial of a free appropriate public education.

Issue six does not allege how a staff supervision issue gave rise to a Student claim that the IDEA was violated.

Issue seven does not allege when Ukiah produced inaccurate, incomplete or misleading IEP meeting notes, the date of the IEP at issue, or how the notes were inaccurate, incomplete or misleading.

Issue eight does not allege the date or subject of the prior written notice Student alleges failed to meet legal requirements.

Issue nine appears to be duplicative of several of the previously alleged issues.

Ukiah seeks an order dismissing Student's complaint due to the insufficiently pled claims. A notice of insufficiency is not a request for dismissal. Student will be offered the opportunity to amend her complaint.

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. The expedited claim is not subject to a sufficiency determination, as such a procedure is not provided for in the IDEA. (20 U.S.C. 1415(k)(3(B).)
2. Issues two, three, four, five, six, seven, eight, and nine of the 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 for non-expedited claims.
5. If Student fails to file a timely amended complaint, the hearing shall proceed only on the expedited claim in the complaint, stated in issue one.

6. Nothing in this order limits an Administrative Law Judge's ability to clarify details associated with any of the alleged claims during a prehearing conference.

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl
Administrative Law Judge
Office of Administrative Hearings