BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

STOCKTON UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025090038

ORDER DETERMINING AMENDED DUE PROCESS COMPLAINT SUFFICIENT AND NOTICE OF NO ACTION ON STAY PUT

OCTOBER 23, 2025

On August 29, 2025, Parent on behalf of Student filed a Due Process Hearing Request, also called a complaint, with the Office of Administrative Hearings, called OAH, naming Stockton Unified School District as respondent. On September 22, 2025, OAH issued an Order determining the complaint insufficient. Pursuant to that order, on October 7, 2025, Student filed an amended complaint.

On October 21, 2025, Stockton filed a Notice of Insufficiency as to the amended 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.)

DISCUSSION

Student's amended complaint gives Stockton sufficient notice of the facts underpinning Student's claims to allow Stockton to prepare for resolution session, mediation or hearing. In its second insufficiency notice Stockton's contends it does not understand the connection between Student's statute of limitations allegations and the separately pled issues. However, the statute of limitations section specifically identifies Student's request to extend the statute of limitations as applicable to the September 2021 private autism diagnosis or any events pled from 2021-2023, at issue in Issue one. Although the complaint is not a model of clarity, Student does assert the claims in Issue One clearly enough for Stockton to have notice of her allegations.

Stockton also asserts Student's Issue two, failure to implement speech services allegation, is unclear as to time. The allegation is sufficiently clear, as the issue statement notes failure to implement upon the January 2025 transfer to kindergarten and continuing for the remainder of the 2024-2025 school year.

Stockton's contention that Issue 3 alleging a failure to develop or implement a meaningful program to address Student's toileting and health needs related to chronic constipation and encopresis is unclear, is also unpersuasive. Student alleges that District was on notice of Student's needs pursuant to a doctor's letter dated April 16, 2025 that was delivered to Stockton in April 2025. Adequate and the time frame are pled.

Stockton asserts Issue four, failure to address bullying alleges claims outside OAH jurisdiction. A contention that claims are outside OAH jurisdiction is not a proper

subject of a notice of insufficiency. Those contentions will not be addressed in this order. Issue number four is pled sufficiently.

Stockton's argument regarding the insufficiency of issues five and six are unclear. Issue five alleges a failure to properly exit Student from special education. It is sufficiently pled. Issue six alleges a number of procedural violations. Unlike the previous complaint, this one clearly sets forth facts under each issue statement. All facts stated as to each issue statement give Stockton notice of the allegations raised.

Student's amended complaint is sufficient. Student's amended complaint identifies the issues and adequate facts about the problem to permit Stockton to respond and participate in a resolution session, mediation or hearing.

NOTICE OF NO ACTION ON STAY PUT STATEMENT INCLUDED IN AMENDED COMPLAINT

Student includes mention of stay put in this amended complaint. OAH requires hearing participants to file motions as separate pleadings. Absent separate filing, needed responses to motions can be overlooked by the opposing side. Additionally, motions have varying ruling deadlines. OAH will take no action on the statement regarding stay put included in Student's amended complaint.

ORDER

1. The complaint is sufficient under title 20 United States Code section 1415(b)(7)(A)(ii).
2. All prehearing conference, and hearing dates in this matter are confirmed.

3. No Action is taken on Student's Stay Put allegations. Nothing in this order prevents Student from filing a stay put motion separately from her amended complaint.
4. Similarly, no action is taken on contentions of claims outside OAH jurisdiction which are improperly raised in a notice of insufficiency. Nothing in this order prevents Stockton from filing any separate motion it deems meritorious.
5. In future, Student is ordered to submit pleadings that comply with the formatting requirements of California Code of Regulations, title 1, section 1006.
6. This matter will proceed as stated in the October 7, 2025 scheduling order.

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl
Administrative Law Judge
Office of Administrative Hearings