BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

AUBURN UNION ELEMENTARY SCHOOL DISTRICT.

OAH CASE NUMBER 2025120864

ORDER DETERMINING ISSUE 8 OF THE DUE PROCESS COMPLAINT SUFFICIENT

JANUARY 2, 2026

On December 19, 2025, Parent on behalf of Student filed a due process hearing request, called a complaint, with the Office of Administrative Hearings naming Auburn Union Elementary School District, called Auburn Union. The Office of Administrative Hearings is called OAH.

On December 31, 2025, Auburn Union filed a notice of insufficiency as to Issue 8 of the complaint.

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 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 a FAPE. It must also include facts about the problem and 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, and 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, 46699.)

Auburn Union contends Issue 8 of the complaint does not designate a time period permitting Auburn Union to respond to Issue 8.

Issue 8, when read with the facts alleged and as restated in this Order, is sufficient. Student's complaint identified adequate facts about Auburn Union's alleged failure to timely assess Student during the 2025-2026 school year to permit Auburn Union to respond and participate in a resolution session and mediation.

The issues in Student's complaint are carefully set out in chronological order by reference to the school years at issue. Issues 1 through 3 allege problems arising during the 2023-2024 school year. Issues 4 and 5 allege problems arising during the 2024-2025 school year. Issues 6 and 7 allege problems arising during the 2025-2026 school year. Issue 8 alleges that Auburn Union failed to assess Student in all areas of suspected disability without reference to a time period.

Similar allegations of failure to assess were made for the 2023-2024 and 2024-2025 school years at Issues 1 and 4. The recital of facts in the complaint alleges at paragraphs 78, 79, 85, 86, and 87, that Auburn Union failed to, but should have, assessed Student in the areas of psychoeducation, functional behavior, mental health, occupational therapy, and assistive technology in August 2025 and November 2025. Chronological Issue 8, when read with these facts, is reasonably intended to encompass the 2025-2026 school year through the date of filing the complaint. Accordingly, this Order finds Issue 8 sufficient.

The parties should be aware that, at the prehearing conference, the ALJ conducting the prehearing conference will further clarify the issues.

ORDER

1. Issue 8 of the complaint is sufficient under title 20 United States Code section 1415(b)(7)(A)(ii).
2. All mediation, prehearing conference, and hearing dates in this matter are confirmed.

Alexa Hohensee

Alexa Hohensee
Administrative Law Judge
Office of Administrative Hearings