BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

OAKLAND UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025020323

ORDER DETERMINING DUE PROCESS COMPLAINT INSUFFICIENT

FEBRUARY 21, 2025

On February 6, 2025, Parents, on behalf of Student, filed a letter addressed to Oakland Unified School District's Superintendent, with the Office of Administrative Hearings, referred to as OAH. The letter included a bold statement at the top of the letter specifying, "Subject: Formal Complaint Regarding Confidentiality Breach, Procedural Safeguards Violations, and Lack of Response." This was considered a request for due process by OAH. On February 20, 2025, Oakland filed a Notice of Insufficiency as to the filing.

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 FR 46541, 46699.)

DOCUMENT INSUFFICIENT TO GIVE NOTICE OF CLAIMS

The document filed is insufficient to give Oakland notice of the claims being asserted and the subject of those claims. The document mentions two students, and does not list claims pertaining to each separately. The document fails to provide the basic information required by state and federal law, including:

1. a description of the nature of the problem, relating to the proposed change regarding the Student's identification, evaluation, or educational placement, or provision of a free appropriate public education, including the facts pertaining to each problem.
2. a proposed resolution of each problem identified.
   (20 U.S.C. § 1415(b)(7)(A)(ii); Ed. Code § 56502, subd. (b).)

Oakland asserts that it received a 12-page document on February 12, 2025. The document filed with OAH on February 6, 2025 was four pages long. Oakland also expresses concerns that:

- the document references two students and it is unable to determine which Student is the subject of the complaint;
- the document references a complaint to the California Department of Education, confusing Oakland as to whether claims are being pursued with the Department of Education or OAH;
- there are no dates mentioned regarding the allegations made or other facts that give notice to the district as to the details of the claims. This is

made more confusing by the reference to a 2019 OAH case number in the proof of service.

Oakland's assertions are valid. The filing does not give Oakland adequate information to enable it to prepare for a resolution session, mediation, or hearing. Generally, the information included in a request for due process hearing includes:

- when a district made decisions,
- the name of the single Student the decision pertained to,
- the Student's disability and how the action taken by Oakland denied the Student a free, appropriate public education, also called a FAPE, pursuant to the Individuals with Disabilities Education Act or California special education law; or violated required state or federal procedures related to the provision of a FAPE.

The Student's February 6, 2025 filing is not a sufficient request for due process. Furthermore, following the February 6, 2025 OAH filing, Parents filed additional documents without proof of service or any reference as to their purpose. Parents are notified that any document filed with OAH must include a proof of service stating that the document was also sent to Oakland Unified School District's attorneys. The document served must be identical to the document filed with OAH.

ASSISTANCE FOR UNREPRESENTED 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. OAH's website also has a list of low-cost attorneys who handle special education cases in the state of California.

ORDER

1. Student's complaint is insufficiently pled 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 and be accompanied by proof of service of an identical copy of the document filed with OAH.
4. If Student fails to file an amended complaint within 14 days of the date of this order, the complaint will be dismissed.
5. All dates previously set in this matter are vacated.

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl
Administrative Law Judge
Office of Administrative Hearings