BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026041105

ORDER DETERMINING DUE PROCESS COMPLAINT SUFFICIENT AS TO ISSUES 4, 6, AND 9, AND INSUFFICIENT AS TO ISSUE 13

MAY 12, 2026

On April 23, 2026, Parents on behalf of Student filed a due process hearing request, called a complaint, with the Office of Administrative Hearings, referred to as OAH. The complaint named West Contra Costa Unified School District, called West Contra Costa. On May 8, 2026, West Contra Costa timely filed a notice of insufficiency as to Issues 4, 6, 9, and 13 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
- includes facts about the problem; and
- 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.)

A 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.)

At Issue 4, the complaint alleges West Contra Costa denied Student a FAPE because it interfered with Parents' opportunity to participate in the decision-making process by predetermining the FAPE offer in the June 4, 2024, IEP, and failing to timely respond to Parents' requests for assessment made March 25, 2025, and May 8, 2025.

At Issue 6, The complaint alleges Student was denied a FAPE because West Contra Costa failed to conduct sufficient assessments in November 2025 to determine whether his access to education was impacted by his attention deficit hyperactivity disorder or other chronic health conditions. It alleges that, had West Contra Costa conducted sufficient assessments to analyze Student's eligibility for special education under the category of other health impairment, it would have identified attentional and behavioral challenges not related to autism and would not have erroneously attributed all of Student's educational challenges to autism. This information allegedly would have informed Parents and enabled them to knowledgeably participate in developing Student's educational program.

At Issue 9, the complaint alleges Student was denied a FAPE because West Contra Costa failed to conduct sufficient assessments in November 2025 to determine whether his access to education was impacted by one or more of the basic psychological processes involved in understanding or using written or spoken language, manifesting in an imperfect ability to listen, think, read, write spell, or perform math. It alleges that, had West Contra Costa conducted sufficient assessments to analyze Student's eligibility for special education under the category of specific learning disability, it would have identified Student's learning disorders and not erroneously attributed all of Student's educational challenges to autism. This information allegedly would have informed Parents and enabled them to knowledgeably participate in developing Student's educational program.

The facts alleged in Student's complaint are sufficient as to Issues 4, 6, and 9. Student's complaint identifies the problems and adequate facts about the problems in Issues 4, 6, and 9 to permit West Contra Costa to respond and participate in a resolution session and mediation.

Therefore, Student's statement of Issues 4, 6, and 9 are sufficient.

However, Issue 13 does not form the basis of a claim over which OAH has jurisdiction. It alleges violations by West Contra Costa of Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 701 et seq.), called Section 504, the Americans with Disabilities Act (42 U.S.C. § 12101 et seq.), called the ADA, and other related civil rights statutes.

Under the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et. seq.), a party has the right to present a complaint with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a FAPE to such child. (20 U.S.C. § 1415(b)(6); Ed. Code, § 56501, subd. (a).) The jurisdiction of OAH is limited to these matters. (*Wyner v. Manhattan Beach Unified Sch. Dist*. (9th Cir. 2000) 223 F.3d 1026, 1028-1029.) OAH does not have jurisdiction to hear claims brought under Section 504, the ADA, or other federal or state civil rights statutes.

Accordingly, Student's Issue 13 is insufficiently pled.

ORDER

1. Issues 4, 6, and 9 of Student's complaint are sufficient under title 20 United State Code section 1415(b)(7)(A)(ii).
2. Issue 13 of Student's complaint is insufficiently pled under title 20 United States Code section 1415(c)(2)(D).

3. Student will 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 United States Code 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.
5. If Student fails to file a timely amended complaint, the hearing shall proceed only on Issues 1 through 12 of Student's complaint.

IT IS SO ORDERED.

Alexa Hohensee

Alexa Hohensee
Administrative Law Judge
Office of Administrative Hearings