BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

CLOVIS UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025110599

ORDER DETERMINING EXPEDITED DUE PROCESS AND NONEXPEDITED ISSUES SUFFICIENT

NOVEMBER 24, 2025

On November 14, 2025, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Clovis Unified School District. The complaint included expedited and non-expedited issues. As a result, OAH scheduled the complaint for dual expedited and non-expedited procedures. On November 21, 2025, Clovis filed a Notice of Insufficiency as to the complaint on the grounds Student's expedited complaint failed to state with specificity its issues precluding Clovis from responding meaningfully and to prepare a defense. Moreover, Clovis challenged the remedies sought in the expedited hearing request. Clovis further argued the non-expedited issues are not within OAH's jurisdiction. On

November 24, 2025, Student filed a reply to Clovis' notice of insufficiency. The reply was reviewed but not considered in the determination.

SUFFICIENCY DETERMINATION PROCESS NOT AVAILABLE FOR EXPEDITED CLAIMS

Title 20 United States Code section 1415(k)(3) permits a party to request an expedited hearing for specific reasons. Specifically, an expedited hearing can be requested to appeal to appeal a disciplinary change of placement, such as placement in an alternative education setting or a manifestation determination regarding student conduct. This section requires the expedited hearing start within 20 school days from the hearing request. There is no provision for expedited hearings under section 1415(k) to test the complaint's sufficiency. Indeed, there is insufficient time to complete the NOI process in expedited hearings.

SUFFICIENCY DETERMINATION FOR NONEXPEDITED CLAIMS

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: (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 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; *Sammons v. Polk County School Bd.* (M.D. Fla., Oct. 28, 2005, 8:04CV2657T24EAJ) 2005 WL 2850076 [nonpub. Opn.]; but cf. *M.S.-G v. Lenape Regional High School Dist. Bd. Of Educ.* (3d Cir. 2009) 306 Fed.Appx. 772, 775 [nonpub. Opn.].) 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.)

DISCUSSION

The issues alleged in Student's non-expedited complaint are sufficient. Student's complaint identifies the issues and adequate facts about the problem to permit Clovis to respond and participate in a resolution session and mediation.

Student's request for due process was a 112-page document that included emails between school officials, copies of Student's manifestation determination review team meeting documents, medical records, and Student's IEP. In his complaint Student alleged six procedural and five substantive violations of the IDEA, as well as violations of

section 504 of the Rehabilitation Act, Americans with Disabilities Act, and California State law bullying provisions. Given the liberal pleading requirements of the IDEA, Student's complaint provides Clovis sufficient facts to have, "an awareness and understanding of the issues forming the basis of the complaint."

Student's complaint does contain issues outside of OAH's jurisdiction; however, a sufficiency determination is not the appropriate vehicle to dismiss issues for jurisdictional purpose.

Therefore, Student's complaint is sufficient.

ORDER

1. 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.

IT IS SO ORDERED.

Tiffany Gilmartin

Tiffany Gilmartin
Administrative Law Judge
Office of Administrative Hearings