BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

MORAGA SCHOOL DISTRICT AND ORINDA UNION SCHOOL DISTRICT.

OAH CASE NUMBER 2025091009

ORDER DETERMINING DUE PROCESS COMPLAINT SUFFICIENT AS TO MORAGA

NOVEMBER 10, 2025

On September 29, 2025, Student filed a due process hearing request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Moraga School District. On October 10, 2025, Moraga filed a notice of insufficiency as to the complaint. On October 14, 2025, OAH issued an order determining Student's complaint insufficient and permitted Student to file an amended complaint.

On October 28, 2025, Student filed an amended complaint naming Moraga School District and Orinda Union School District. On November 7, 2025, Moraga filed a notice of insufficiency as to the amended 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).

The complaint is deemed sufficient unless a party notifies OAH and the other party in writing within 15 days of receiving the complaint that the party believes the complaint has not met the notice requirements. (20 U.S.C. § 1415(c)(2)(C); Ed. Code, § 56502, subd. (d)(1).)

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.)

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.)

An individualized education program is called an IEP.

Student's amended complaint alleges the following issues:

1. Whether Moraga or Orinda denied Student a FAPE beginning December 27, 2023, through May 22, 2024, by failing to ensure Student was promptly assessed or offered an IEP by or near the time of his third birthday on December 27, 2023.
2. Whether Moraga or Orinda denied Student a FAPE by providing an inadequate, inappropriate assessment.
3. Whether Orinda denied Student a FAPE by failing to conduct its own assessment and instead referring Student to Moraga for assessment and fully relying on Moraga's assessment in its offer of FAPE in the May 22, 2024, IEP, and its Prior Written Notices of September 9, 2024, December 24, 2024, and March 25, 2025. Petitioner maintains that referring Student to Moraga for assessment and continued reliance on Moraga's assessment was not harmless error considering the inadequacy of Moraga's assessment, Student's need for behavioral support and occupational therapy, and failure to consider general education placement.

4. Whether Orinda denied Student a FAPE from May 22, 2024, through the end of Extended School Year 2025 by failing to offer appropriate services and placement in the May 22, 2024, IEP, including, for example:
    a. failing to offer behavior support or a behavior plan to address Student's significant behavior challenges.
    b. failing to offer any 1:1 aide support.
    c. failing to offer direct occupational therapy services to Student to address Student's sensory processing needs.
5. Whether Orinda denied Student a FAPE from December 27, 2023, through the end of Extended School Year 2025 by failing to provide appropriate services and placement including, for example:
    a. failing to provide behavior support and/or a behavior plan for Student.
    b. failing to provide 1:1 aid support for Student.
    c. failing to provide speech therapy services to Student.
    d. failing to provide direct occupational therapy services to Student.
6. Whether Orinda denied Student a FAPE beginning November 14, 2024, through at least March 24, 2025, by failing to consider the independent evaluation report by University of California, San Francisco psychologist Dr. Amber Leckie.
7. Whether Orinda denied Student a FAPE between June 5, 2024, and March 24, 2025, by its many delays in responding to Parents, such as,
    a. the three months long delay in providing prior written notice, after Parents objected to lack of 1:1 and behavior support at the May 22, 2024, IEP and in their June 5, 2024, exception to the IEP offer.

b. the failure to hold an IEP in response to Parents' September 20, 2024, request, and three months hiatus before the mediation that had been offered instead.

c. the nine week delay in providing prior written notice after Parents' January 17, 2025, request for alternative placement at My Lileighpad Preschool with behavioral support.

d. delay in arranging for Orinda to fund the independent psychoeducational evaluation.

e. delay in agreeing to fund an independent occupational therapy evaluation.

f. delay in agreeing to fund an independent functional behavior evaluation.

8. Whether Orinda denied Student a FAPE in the 2024-2025 school year by failing to file a due process claim to enforce implementation of the May 22, 2024, IEP.

Student's Issues 1 and 2 allege claims against Moraga. Moraga contends the facts supporting the issues alleged do not describe how Moraga is the public agency responsible for providing Student with a FAPE.

A "public agency" is defined as "a school district, county office of education, special education local plan area, a nonprofit public charter school that is not otherwise included as a local educational agency, or any other public agency under the auspices of the state or any political subdivisions of the state providing special education or related services to individuals with exceptional needs." (Ed. Code, §§ 56500 and 56028.5.) California law places the primary responsibility for providing special education to eligible children on the local educational agency, usually the school district in which the

parents of the child reside. (See, e.g., Ed. Code, §§ 48200, 56300, 56340, 56344, subd. (c).) A local educational agency may contract with another public agency to provide special education and related services to an individual with exceptional needs. (Ed. Code, § 56369.)

Student's complaint alleges "Orinda referred Student to Moraga for his initial evaluation prior to turning age three. Moraga took on the obligation to assess Student, but Moraga denied Student a FAPE by bungling the assessment." Student's complaint includes nearly four pages of facts about Student's initial referral to Moraga for assessment, Moraga's March 15, 2024, assessment plan, and Moraga's May 21, 2024, multidisciplinary assessment. Student's complaint pleads sufficient facts supporting Issues 1 and 2 as to Moraga. Student's complaint provides Moraga an awareness and understanding of the allegations forming the basis of Issues 1 and 2 such that Moraga knows how to prepare for hearing and participate in resolution sessions and mediation. Thus, Student's complaint is sufficient as to Moraga.

Moraga contends Student did not plead factual allegations to support that Student is entitled to the proposed resolutions sought. A sufficient notice pleading does not require such details to be provided. Student's complaint included easily understandable proposed resolutions and, therefore, met the statutorily required standard regarding proposed resolutions.

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.

Jeanie Min

Jeanie Min
Administrative Law Judge
Office of Administrative Hearings