BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

VALLEJO CITY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026070964

ORDER DETERMINING DUE PROCESS COMPLAINT SUFFICIENT

AUGUST 7, 2026

On July 21, 2026, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, called OAH, naming Vallejo Unified School District, called Vallejo. On August 5, 2026, Vallejo filed a Notice of Insufficiency as to 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: (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.)

Student's complaint alleges seven issues, along with an exception to the two-year statute of limitations, all of which are sufficiently plead.

Student's first issue asserts Vallejo denied Student a free appropriate public education, called FAPE, during the 2025-2026 school year, by failing to provide Student's educational records. Student's second issue claims Vallejo failed its child find duties during the 2022-2023 school year, through the 2025-2026 school year. Issue three claims Vallejo denied Student a FAPE by failing to offer an educational program during the 2022-2023 school year, through the 2025-2026 school year. Issue four claims Vallejo denied Student a FAPE by failing to offer appropriate goals during the 2022-2023 school year, through the 2025-2026 school year. Student's fifth issue claims Vallejo denied Student a FAPE by failing to assess in all areas of suspected deficit during the 2022-2023 school year, through the 2025-2026 school year. Student's sixth issue claims Vallejo denied him a FAPE during the 2025-2026 school year by failing to conduct timely three-year assessments and by failing to complete assessments within 60 days. Issue seven raised claims under Section 504 of the Rehabilitation Act and civil rights statutes.

All of Student's issues include sufficient facts to permit Vallejo to prepare for mediation and due process. While issue seven falls outside of OAH's jurisdiction, Vallejo may address that claim through a separate motion to dismiss. Therefore, Student's statement of the seven issues 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.

Paul Kamoroff

Paul H Kamoroff

Administrative Law Judge

Office of Administrative Hearings