BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

V.

NATOMAS UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026080495

ORDER DETERMINING DUE PROCESS COMPLAINT PARTIALLY INSUFFICIENT

AUGUST 31, 2026

On August 11, 2026, Parents, on behalf of Student, filed a Due Process Hearing Request, also called a complaint, with the Office of Administrative Hearings, called OAH, naming Natomas Unified School District. On August 26, 2026, Natomas filed a Notice of Insufficiency as to the complaint.

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, or FAPE; (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 Fed. Reg. 46541, 46699.)

Within five days of receipt of a notice of insufficiency, a determination must be made, on the face of the complaint, of whether the complaint meets the requirements of title 20 United States Code section 1415 (b)(7)(A) and the Administrative Law Judge shall notify the parties of writing of such determination. (20 U.S.C. § 1415 (c)(2)(D); 34 C.F.R 300.508 (d) (2).)

STUDENT'S COMPLAINT PARTIALLY INSUFFICIENT

Student's alleges nine issues in the complaint, some of which are sufficient and some which are insufficient. The issues are discussed below.

Issue number 1 fails to state any facts describing how Natomas failed to "provide" extended school year. In fact, the complaint pleads extended school year was offered and consented to by Parents. The facts stated in the complaint as to extended school year are confusing and contradictory. Natomas is entitled to adequate and clear facts that put Natomas on notice of the claims asserted against it, so Natomas can prepare for resolution session, mediation and hearing. Issue number 1 is insufficient because it does not describe clear, adequate facts of Natomas' IDEA violation.

Issue number 2 is also insufficient. This issue is titled a failure to implement Student's Individualized educational program, or IEP, but fails to identify which IEP was not implemented, or how the IEP was not implemented. Instead, it includes allegations related to failures to assess, and failures to report, that are vague and incomplete, also failing to provide adequate notice to Natomas of claims. Based on the allegations in issue 2, Natomas is unable to prepare for resolution session, mediation and hearing.

Issue number 3 fails to state facts describing how or when Natomas failed to consider a continuum of placements. The facts provided do not put Natomas on notice

of the claims asserted against it, so Natomas can prepare for resolution session, mediation and hearing.

Issues number 4, 5, and 6 are also insufficient because the allegations are incomplete, and contradictory. Issue 4 alleges a failure to provide prior written notice denying a requested functional behavior assessment, but then describes the District's efforts to assess. No dates of assessment are included. Issue 4 also alleged a failure to provide prior written notice denying a requested 1:1 aide with no information of when the request was made triggering a prior written notice obligation.

Issue 5 asserts that Natomas failed to conduct a functional behavior assessment in the school years of 2024-2025, 2025-2026. Issue number 6 asserts Natomas failed to conduct a comprehensive legal assessment in 2025-2026, including contradictory facts between issues 5 and 6, and contradicting the allegations of issue 4. Student failed to adequately describe the facts of these claims to put Natomas on notice of the event, or events, or their dates, that triggered Natomas' obligation to provide prior written notice. If an assessment was conducted, but not to standards, that fact, and when it occurred, should be clearly stated and the contradiction among issues 4, 5, and 6 corrected, so Natomas has clear information of the allegations being asserted.

Issue number 7 alleges a failure to include a behavior intervention plan in Student's March 2025 and in March 2026 IEPs. This allegation is sufficient given the minimal pleading standards applicable to special education complaints.

Issue number 8, erroneously labeled as a second issue number 7, alleges a failure to offer Student a one-to-one aide in IEPs in March 2024, March 2025 and March 2026. This allegation is sufficient given the minimal pleading standards applicable to special education complaints.

Issue number 9, erroneously labeled issue number 8, again asserts a failure to conduct a functional behavior assessment in the school years 2024-2025 and 2025-2026. The allegations in issue 9 are contradictory and duplicative of allegations in issues 4, 5, and 6. The allegations as written do not put Natomas adequately or clearly on notice of what is being alleged.

ORDER

1. Issues 7 and 8 of Student's complaint are sufficient under title 20 U.S.C. section 1415(b)(7)(A)(ii).
2. Issues 1, 2, 3, 4, 5, 6, and 9 of Student's complaint are insufficiently pled under title 20 United States Code section 1415(c)(2)(D).
3. Student shall 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 U.S.C. 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 7 and 8 in Student's complaint.

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl
Administrative Law Judge
Office of Administrative Hearings