BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

ALISAL UNION SCHOOL DISTRICT.

OAH CASE NUMBER 2025110103

ORDER DETERMINING DUE PROCESS COMPLAINT SUFFICIENTLY PLED

NOVEMBER 19, 2025

On November 3, 2025, Parent on behalf of Student filed a due process hearing request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Alisal Union School District, called Alisal Union. On November 19, 2025, Alisal Union 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, called 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 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 Board of Educ. v. Benton* (S.D.Ala. 2005) 406 F.Supp.2d 1248, 1259-1260; *Sammons v. Polk County School Board* (M.D.Fla., Oct. 28, 2005, 8:04CV2657T24EAJ) 2005 WL 2850076 [nonpub. opn.]; but cf. *M.S.-G v. Lenape Regional High School Dist. Board 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 46540-46541, 46699.)

Student's 42-page complaint alleges facts occurring over seven years. The complaint alleges various procedural and substantive violations under the Individuals with Disabilities Education Act starting on page 30 of the complaint. The complaint does not number the issues for hearing and incorporates paragraphs one through 83 of the complaint spanning a seven year period. Although the complaint is lengthy and contains facts well-outside the statute of limitations, it is sufficiently pled and provides Alisal Union with sufficient information to know how to prepare for the hearing and participate in a resolution session and mediation.

The first issue at page 32, paragraphs 87 through 103, alleges Alisal Union denied Student a FAPE during the 2023-2024 school year by failing to offer or provide an ambitious individualized education program, called IEP, for Student to make adequate progress. Paragraphs 88 through 103 state Alisal Union failed to:

- assess Student in speech and language, educationally related mental health, and adaptive physical education;
- offer measurable and appropriate goals;
- offer Student sufficient related services, including wrap around services;
- consider Student's mental health needs;
- address reports of bullying and harassment of Student; and
- offer an appropriate placement, including independent study.

The second issue at page 37, paragraphs 104 through 110, alleges Alisal Union denied Parent's right to meaningfully participate in IEP team meetings by:

- notifying Parent that Alisal Union could not consider additional assessments, services, or placement options until Parent consented to the IEP as drafted; and

- failing to provide a prior written notice after advising Parent she had to sign a written waiver to use her privately selected interpreter in lieu of Anisal Union's interpreter.

Anisal Union argues the complaint lacks specific facts supporting the second issue. For example, Anisal Union argues the complaint does not state that Anisal Union advised Parent it could not consider additional requests until Parent signed the IEP or that it requested Parent to provide a written waiver of Anisal Union's provided interpreter. Although the complaint does specifically identify the IEP team meeting when these alleged events occurred, who was present, what was said, and by whom, the issue is adequately pled for Alisal Union to know how to prepare for the hearing and participate in a resolution session and mediation.

Anisal Union also argues uncertainty exists about whether additional issues are pled in the complaint but which are not clearly delineated as issues for hearing. However, Student specifically identifies the issues for hearing beginning with the heading on page 30. Further, Student states that it will "take appropriate procedural steps" if "additional issues are discovered."

Anisal Union further correctly asserts the complaint contains numerous incomplete, vague, and ambiguous statements. For example, at page 32, paragraph 92, Student alleges Anisal Union denied parental participation, "by failing to develop an appropriate IEP as noted in paragraphs 20 U.S.C. § [sic] 1414(a)(1) and Cal. Educ. Code §§ 56043(a)-(c) . . ." As drafted, this statement and other similar statements in the complaint is unintelligible. Notwithstanding the lack of clarity, the issues identified by Student for hearing before OAH starting at page 30 are sufficiently pled.

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.

Jennifer Kelly

Jennifer Kelly
Administrative Law Judge
Office of Administrative Hearings