BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025060342

ORDER DETERMINING DUE PROCESS COMPLAINT INSUFFICIENT

JULY 21, 2025

On June 6, 2025, Parent, on behalf of Student, filed a Due Process Hearing Request, also called a complaint, with the Office of Administrative Hearings, called OAH, naming Los Angeles Unified School District as respondent. On July 14, 2025, a prehearing conference, also called a PHC, was held in the case. The order following the PHC determined that the complaint had not been properly served, deemed the complaint filed on July 14, 2025, and reset the procedural timelines in the case based on that date. On July 18, 2025, Los Angeles 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; (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 FR 46541, 46699.)

DISCUSSION

Student's complaint alleges a single insufficiently pled claim. The claim states:

> "Errors on IEP issued from Raymond Elementary School."

Student's proposed resolutions do not provide additional insight into Student's claim. While proposed resolutions are generally not subject to a notice of insufficiency unless none are offered, in this case, they are reviewed for possible additional information as to the claim. The proposed resolution states, verbatim:

> "IEP Ammendment: Correct all errors make accurate.
> Accommodation request for IEP hearing. Interpreting all procedures and processing."

The proposed resolution is unclear as to whether the statement regarding accommodations refers to alleged errors in the IEP, or whether Student is requesting hearing accommodation needs. If Student is requesting a foreign language interpreter, that request needs to be stated on the request for due process hearing.

The complaint fails to provide Los Angeles with the required problem description and the facts relating to the problem. Student fails to identify the date of the IEP in question. Nor does Student identify the errors in the IEP.

MEDIATOR ASSISTANCE FOR NON-REPRESENTED PARENTS:

A parent without an attorney may request that OAH provide a mediator to assist the parent in identifying the issues and proposed resolutions that must be included in a complaint. (Ed. Code, § 56505.) Parents are encouraged to contact OAH for assistance if

they intend to amend their due process hearing request. OAH also maintains a list of free and low-cost attorneys on the OAH website.

ORDER

1. Student's complaint is insufficiently pled under section title 20 United States Code 1415(c)(2)(D).
2. Student shall be permitted to file an amended complaint under title 20 United States Code section 1415(c)(2)(E)(i)(II).
3. 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.
4. If Student fails to file an amended complaint within 14 days of the date of this order, the complaint will be dismissed.
5. Parent may contact the OAH case manager if mediator assistance with filing an amended complaint is desired. Requesting mediator assistance will not extend the time for filing an amended complaint.
6. All dates previously set in this matter are vacated.

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl
Administrative Law Judge
Office of Administrative Hearings