

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL DISTRICT AND FENTON STEM
ACADEMY CHARTER SCHOOL.

OAH CASE NUMBER 2026061331

ORDER DETERMINING DUE PROCESS COMPLAINT
INSUFFICIENT, NOTICE OF NO ACTION ON MOTION TO
DIMISS AND MOTION FOR CONTINUANCE

JULY 31, 2026

On June 24, 2026, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Fenton Stem Academy, Sun Valley and Los Angeles Unified School District as Respondents. On July 29, 2026, Fenton Stem filed a Motion to Dismiss, arguing that it had not been properly served with the complaint, and that it only learned about this matter on July 15, 2026 when OAH notified it of a scheduling order. Fenton Stem further contended it first saw the complaint on July 24, 2026 when OAH provided it with

a courtesy copy. Fenton Stem's Motion to Dismiss further argued that the complaint contained allegations beyond the statute of limitations. Also on July 29, 2026, Fenton Stem filed a Motion to Continue the due process hearing. Then, on July 30, 2026, Fenton Stem 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).

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).) Here Fenton Stem's Notice of Insufficiency was timely based on the date it received the complaint from OAH.

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.)

DISCUSSION

Fenton Stem established it did not receive a copy of the complaint until July 24, 2026. Thus, the Notice of Insufficiency was timely filed. Student’s complaint alleges three insufficiently pled claims. It is clear that text is missing from the complaint. The boxes Student used to state his contentions are too small to contain all Student’s contentions which are clearly cut off midstream in the middle of sentences. The complaint therefore fails to provide the respondents with all the required problem descriptions and the facts relating to the problem.

The complete complaint must be refiled as ordered below with additional pages if necessary to contain the missing text. A copy of the amended complaint must be served on all parties and be accompanied by a valid proof of service.

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 a timely amended complaint, the complaint will be dismissed.
5. All dates previously set in this matter are vacated.
6. No action will be taken with regard to Fenton Stem's Motion to Dismiss or Motion to Continue, which are rendered moot. Such Motions may be refiled if and when a timely amended complaint is filed.
7. Student is ordered to serve all respondents with all documents filed with OAH.

IT IS SO ORDERED.



June Lehrman

Administrative Law Judge

Office of Administrative Hearings