

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

BURBANK UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026070248

ORDER DETERMINING DUE PROCESS COMPLAINT

INSUFFICIENT

JULY 20, 2026

On July 6, 2026, Parent, on behalf of Student, filed a Due Process Hearing Request, also called a complaint, with the Office of Administrative Hearings, called OAH, naming Burbank Unified School District as respondent. On July 17, 2026, Burbank 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 Fed. Reg. 46541, 46699.)

INSUFFICIENT CLAIMS

ISSUE ONE

The facts alleged in Student's issues one and three are insufficient. Student's issue one does not provide an awareness and understanding of the issues forming the basis of the claim. The claim does not clearly state what is being alleged. The claim implies an allegation of entitlement to additional special education services during the 2026-2027 school year. However, Student does not clearly state the special education law violation being claimed. Burbank fails to offer persuasive legal authority that Student is required to specifically identify evidence Student references in the complaint. Prior OAH orders and Decisions are not precedential. (Cal. Code Regs. tit. 5, § 3085.) However, Student must state the problem relating to the provision of his special education, and adequate facts related to the problem so that Burbank can be on notice of what is being requested and why. Student must also state a proposed resolution to the problem stated.

ISSUE TWO

Student's issue two asserts inadequate facts to put Burbank on notice of Student's claim. Student alleges claims during the period from 2022 to 2024, however, Student offers no facts describing why Student believes he is entitled to raise claims beyond the two year statute of limitations. Nor does Student state how a challenge to a teacher's qualifications violates state or federal special education laws.

The Individuals with Disabilities Education Act, or IDEA, allows states to establish their own statute of limitations for special education cases. (20 U.S.C. §1415(b)(6)(B) and (f)(3)(C).) In California, the statute of limitations is two years from the date the party initiating the request knew or had reason to know of the facts underlying the basis for

the request. (Ed. Code, § 56505, subd. (l).) Both the IDEA and California special education law establish exceptions to the statute of limitations. An exception applies in cases in which the parent was prevented from filing a request for due process, due to specific misrepresentations by the local educational agency that it had resolved the problem forming the basis of the complaint. The second exception applies when parents were prevented from filing because the local educational agency's withheld information from the parent that was required to be provided under state or federal special education laws. (20 U.S.C. § 1415(f)(3)(D); Ed. Code § 56505, Subd. (l).)

Student has failed to identify facts indicating why the claims in issue two were either discovered late, or why Parents were prevented from filing a timely claims because one of the two exceptions apply to this case. Student has also failed to state how this claim falls within OAH jurisdiction. As such, Burbank does not have adequate awareness and understanding of the issue to proceed to resolution, mediation or hearing.

Burbank's claim of waiver due to a prior settlement agreement is not properly considered on a notice of insufficiency. A notice of insufficiency is not the proper vehicle under which to seek dismissal of the claim.

ISSUE THREE

Student's issue three fails to allege facts demonstrating a violation of state or federal special education laws pertaining to this student.

Student's issues number one, two and three fail to identify the alleged problem and adequate facts about the problem to permit Burbank to respond and participate in a resolution session and mediation. Nothing in this order prohibits Burbank from filing any addition motions it deems meritorious.

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.

ORDER

1. Issues one two, and three of Student's complaint are insufficiently pled under title 20 United States Code section 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. The filing of an amended complaint will restart the applicable timelines for a due process hearing.
5. If Student fails to file an amended complaint within 14 days of the date of this order, the Student's complaint will be dismissed.

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl

Administrative Law Judge

Office of Administrative Hearings