

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

ORINDA UNION SCHOOL DISTRICT.

OAH CASE NUMBER 2026060748

ORDER DETERMINING DUE PROCESS COMPLAINT
SUFFICIENT

JULY 30, 2026

On June 12, 2026, Parent on behalf of Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Orinda Union School District, called Orinda. The Office of Administrative Hearings is referred to as OAH.

On June 16, 2026, Student filed a First Amended Complaint which OAH deemed the original complaint filed on June 16, 2026, in the Notice of No Action dated June 18, 2026. On July 13, 2026, Student filed a Motion to Amend the Due Process Hearing Request and a Second Amended Due Process Complaint. This is Student's first amended complaint. The three prior complaints filed after the June 18, 2026, Notice of

No Action were filed without appropriate motions to amend and were deemed legally non-compliant in the OAH order dated June 19, 2026. On July 13, 2026, Orinda filed a non-opposition to Student's motion to amend.

OAH granted the Motion to Amend on July 13, 2026. On July 28, 2026, Orinda 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 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

The facts alleged in Student's complaint are sufficient. Student's complaint adequately sets forth the time period for each issue. Student then sets forth in sufficient detail for the 12 claims what Student will prove to establish that Orinda denied Student a FAPE. The complaint contains adequate allegations regarding the dates when purported violations occurred and the actions that Orinda took or failed to take that denied Student a FAPE. Finally, as to whether Student's claims 1 through 5 are barred by the two-year statute of limitations, Student alleges sufficient facts to create a triable issue for hearing whether an exception applies.

Accordingly, Student's complaint identifies the issues and adequate facts about the problem to permit Orinda to respond and participate in a resolution session and mediation.

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.

Peter Paul Castillo

Peter Paul Castillo

Division Chief Administrative Law Judge

Office of Administrative Hearings