

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

FREMONT UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026050504

ORDER DETERMINING DUE PROCESS COMPLAINT
PARTIALLY SUFFICIENT

JULY 31, 2026

On May 12, 2026, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Fremont Unified School District. On May 26, 2026, Fremont filed a Notice of Insufficiency as to the complaint. On May 27, 2026, OAH issued an Order determining one of Student's 10 pled issues was sufficient. OAH specifically noted:

The issues appear to be generated in the hallmark quasi-
legalese language of a complaint drafted by artificial
intelligence. Which is a disservice to Student as the issues,
though formidable looking on paper, fail to adequately state
a claim and provide Fremont "an awareness and

understanding of the issues forming the basis of the complaint.”

On June 10, 2026, Student filed a first amended complaint. On June 25, 2026, Fremont filed a Notice of Insufficiency as to Student’s first amended complaint. On June 29, 2026, OAH issued an Order determining six of Student’s 10 pled issues were sufficient.

On July 13, 2026, Student filed a second amended complaint. On July 28, 2026, Fremont filed a Notice of Insufficiency as to the second amended 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 Individuals with Disabilities Education Act, referred to as 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

Student’s complaint alleges 13 claims in the complaint, some of which are sufficient and some of which are insufficient. Although many of Student’s issues, including the factual support for the issues, assert overlapping or duplicative claims and arguments, under the liberal pleading requirements of special education law, eight of Student’s issues are sufficiently pled. Accordingly, Issues 1, 2, 3, 4, 5, 7, 8, and 10 sufficiently plead that Fremont:

1. failed to timely provide Parents with Student's educational records;
2. denied Parents meaningful participation in the IEP development process by predetermining Students' IEPs;
3. failed to provide Parents with a legally compliant prior written notice regarding Parents' May 4, 2026, "notice of emergency private placement" at Fusion Academy;
4. failed to fulfill its child find duties;
5. failed to implement specialized academic instruction;
7. failed to place Student in the least restrictive environment;
8. denied Parents meaningful participation in the IEP development process by failing to consider Parents' "neuroscience-informed IEP addendum" at Student's 2025-2026 IEP meetings; and
10. failed to provide Parents with a legally compliant prior written notice regarding "Student's emergency medical crisis and emergency removal on April 27, 2026, and May 4, 2026."

The above issues are deemed sufficiently pled for the purposes of this Order. The above summaries of the issues do not represent the final, clarified issues for hearing. Issue clarification will happen during the prehearing conference.

As explained below, Student's Issues 6, 9, 11, 12, and 13 are not sufficiently pled.

Issue 6 alleges that Fremont engaged in a "substantive denial of FAPE via the inversion of the *Endrew F.* Standard." This issue is unintelligible, as there is no legal

standard or cause of action based on the “inversion of the *Endrew F.* standard.” The alleged facts do not help clarify the issue. To the extent Issue 6 addresses placement, it is duplicative of Issue 7, and thus, unnecessary.

Issue 9 alleges that Fremont engaged in a “substantive denial of FAPE – gross placement inappropriateness and administrative estoppel.” Student does not adequately put Fremont on notice of a special education claim. The concept of “administrative estoppel” as a special education claim is unintelligible. To the extent this issue relates to placement, it is duplicative of Issue 7, and unnecessary. To the extent Student’s concept of “administrative estoppel” relates to a demand for discovery, there is generally no right to prehearing discovery in due process proceedings. (20 U.S.C. § 1400 et seq.) Rather, the IDEA provides parties with the right to present evidence and compel the attendance of witnesses at “a hearing conducted pursuant to subsection (f) or (k)” of section 1415 of title 20 of the United States Code. (20 U.S.C. § 1415(h).) California provides a similar right to present evidence and compel the attendance of witnesses in due process proceedings (Ed. Code, § 56505, subd. (e)) but does not confer the right to prehearing discovery. Should Student seek to compel Fremont to take some action, that is appropriately done via a motion and not included as an issue in a complaint.

Issue 11 alleges that Fremont engaged in “procedural denial of FAPE via failure to respond to formal amended complaint data requests.” The assertion that Fremont failed to respond to data requests made in a complaint does not adequately put Fremont on notice of a special education claim. To the extent Student is seeking an evidentiary ruling, such a request is not appropriate in a complaint. Nothing prevents Student from filing a separate motion.

Issue 12 alleges that Fremont engaged in “systemic subversion of procedure, meaningful and equal participation.” This issue is unintelligible. The alleged facts do not help clarify the issue. To the extent this issue addresses parental participation, that is addressed in Issues 2 and 8 and thus is duplicative and unnecessary.

Issue 13 alleges that Fremont engaged in a “policy of deliberate indifference to Student’s unique circumstances.” This issue is unclear. The alleged facts do not clarify it, as they refer to Issues and 4 and 6, but do not set forth any separate, cognizable claim.

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.

Student has filed three complaints in this matter, each of which has been found partially insufficient. It appears that Student has embedded arguments, including requests for prehearing rulings, within its issues. Student’s arguments, whether generated by Student, or assisted by artificial intelligence, are preventing Student from proceeding in a timely manner, even with the assistance of a mediator. At this juncture, if Student intends to file another amended complaint, OAH urges Student to again seek the assistance of a mediator and confine the issues to legal issues for hearing, not arguments. Nothing prevents Student from filing separate motions regarding Student’s arguments and requests. If Student continues to allege arguments as issues, that will likely result in finding Student’s issues insufficient, which will prevent this matter from proceeding in a timely manner.

The parties are reminded of the admonishment regarding the use of artificial intelligence included in the Scheduling Order OAH issued in this matter. The parties and attorneys must always personally confirm for themselves the accuracy of any content generated by artificial intelligence tools before submitting the document. Accordingly, failure to exercise adequate care in reviewing and filing documents created with the assistance of generative artificial intelligence tools may expose the party or attorney to sanctions. (Cal. Code. Regs., tit. 5, § 3088, subds. (a) & (e); Gov. Code, § 11455.30, subd. (a), and Code Civ. Proc., § 128.5.)

ORDER

1. Issues 1, 2, 3, 4, 5, 7, 8, and 10 of Students' second amended complaint are sufficient under title 20 U.S.C. section 1415(b)(7)(A)(ii).
2. Issues 6, 9, 11, 12, and 13 of Student's second amended complaint are insufficiently pled under title 20 United States Code section 1415(c)(2)(D).
3. Student shall be permitted to file an amended complaint under title 20 United States Code section 1415(c)(2)(E)(i)(II).
4. 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. The filing of an amended complaint will restart the applicable timelines for a due process hearing.

5. If Student fails to file a timely amended complaint, the hearing shall proceed only on Issues 1, 2, 3, 4, 5, 7, 8, and 10 in Student's second amended complaint.

IT IS SO ORDERED.

Daniel Senter

Daniel Senter

Administrative Law Judge

Office of Administrative Hearings