

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

WILLIAM S. HART UNION HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2026071235

ORDER DETERMINING DUE PROCESS COMPLAINT
INSUFFICIENT AS TO ISSUES 5 AND 6

AUGUST 4, 2026

On July 28, 2026, Student filed a request for due process hearing, called a complaint, with the Office of Administrative Hearings, called OAH, naming William S. Hart Union High School District, called Hart. On August 3, 2026, Hart filed a notice of insufficiency as to Issues 5 and 6 of the complaint.

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 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, called a FAPE; includes facts about the problem; and 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.)

An individualized education program is called an IEP.

Student's complaint alleges the following issues:

1. Whether Hart violated the IDEA by implementing special circumstances instructional assistant transportation services on June 22, June 23, and July 7, 2026, without IEP authorization, parental consent, or prior written notice.
2. Whether Hart denied parental participation by continuing unauthorized services after Parent notified Hart of the violation on June 22, 2026.
3. Whether Hart violated FERPA and California privacy laws by disclosing the family's home address and transportation information to a special circumstances instructional assistant.
4. Whether Hart violated IDEA by issuing a prior written notice after the changes were implemented and with incorrect and incomplete information.
5. Whether Hart denied FAPE by misrepresenting Student's IEP as a "stay-put IEP" and failing to fully implement his actual IEP.
6. Whether Hart engaged in inappropriate monitoring, reporting, or surveillance through transportation providers.

Hart contends Student's Issue 5 is insufficient because the complaint lacks facts about the IEP at issue. Student's complaint alleges that Hart incorrectly deemed Student's April 20, 2023 IEP as the last consented to and implemented, or stay put, IEP and failed to implement Student's "actual" IEP. Student's complaint does not include any facts about what he contends was the IEP Hart was required to implement or make any reference to the date of the alleged IEP. The complaint fails to provide Hart with the required description of the problem and adequate facts about the problem as it relates to Hart's alleged failure to implement Student's IEP. Student's Issue 5 is insufficient.

Hart contends Student's Issue 6 is insufficient because the complaint lacks facts supporting the issue, including the time period at issue. Hart argues Student does not explain what actions constituted inappropriate monitoring, reporting, or surveillance, and contends it can only speculate Student is raising a privacy violation, which is outside of OAH's jurisdiction. Student's complaint includes facts that on June 22, and 23, and July 7, 2026, Hart provided a special circumstances instructional assistant to accompany Student on the bus. However, Student's complaint is devoid of any facts relating to inappropriate monitoring, reporting, or surveillance by transportation providers. Additionally, even if these facts were pled, Student failed to assert how this conduct would violate Student's rights under the IDEA. The complaint fails to provide Hart with the required description of the problem and adequate facts about the problem. Student's Issue 6 is insufficient.

Hart challenges Student's proposed resolutions requests. A complaint is required to include proposed resolutions to the problem, to the extent known and available to the party at the time. (20 U.S.C. §1415(b)(7)(A)(ii)(IV).) The proposed resolution stated in Student complaint is not well-defined. However, Student has met the statutorily required standard regarding proposed resolutions.

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 5 and 6 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. The filing of an amended complaint will restart the applicable timelines for a due process hearing.
4. If Student fails to file a timely amended complaint, the hearing shall proceed only on Issues 1 through 4 in Student's complaint.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Jeanie Min". The script is cursive and fluid.

Jeanie Min

Administrative Law Judge

Office of Administrative Hearings