

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENT ON BEHALF OF STUDENT,

v.

STOCKTON UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026080704

ORDER DETERMINING DUE PROCESS COMPLAINT
PARTIALLY INSUFFICIENT

SEPTEMBER 4, 2026

On August 18, 2026, Parent, on behalf of Student, filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Stockton Unified School District as respondent. On September 3, 2026, Stockton filed a Notice of Insufficiency as to the complaint. On September 4, 2026, Student filed an opposition to Stockton's notice of insufficiency.

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, or FAPE; (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.)

Within five days of receipt of a notice of insufficiency, a determination must be made, on the face of the request for due process, of whether the complaint meets the requirements of title 20 United States Code section 1415 (b)(7)(A); and the Administrative Law Judge shall notify the parties in writing of such determination. (20 U.S.C. § 1415 (c)(2)(D); 34 C.F.R § 300.508 (d) (2).) The notice of insufficiency process does not provide for the filing of opposition due to the short deadline for ruling. The ALJ is charged with making a determination of whether the request for due process filed is sufficient based on the face of the complaint. (*Ibid.*) However, Student's opposition has been reviewed and considered in making the ruling in this Order.

COMPLAINT PARTIALLY INSUFFICIENT

Student's complaint alleges 14 issues. Of those, five can be found sufficient, and they are not models of clarity. Overall, the complaint is difficult to follow due to the use of incomplete dates, meaning the absence of one or more elements of the expected month, day, year sequence. Student's complaint is also muddled by the inclusion of claims Student states are not being made, and defenses Student believes Stockton might raise to Student's claims. Insufficient claims lack key facts or clear facts adequate to put Stockton on notice of what Student alleges Stockton did to violate the Individuals with Disabilities Education Act, or IDEA, or California special education laws.

SUFFICIENT CLAIMS

Student's issues 1, 2, 5, 9, and 12 are found to be sufficient. If Student chooses to amend, improving the clarity of these claims by including full dates and eliminating statements of facts not being alleged or possible defenses Stockton might raise, is encouraged. However, these claims, as written, do state adequate facts to put Stockton

on notice of the claims being asserted against it to enable Stockton to prepare for resolution session, mediation, and hearing.

INSUFFICIENT CLAIMS

Student's issues 3, 4, 6, 7, 8, 10 11, 13 and 14 are insufficiently pled.

- Student's issue 3 fails to state how the October 15, 2025 Stockton's communication protocol impeded Parent's meaningful participation in the IEP development process.
- Student's issue 4 fails to state the date on which an IEP was convened without Parent's participation.
- Student's issue 6 fails to allege facts stating an IDEA or California special education law violation. The facts alleged appear to describe changes to Student's class schedule.
- Student's Issue 7 is unintelligible as written. References are made to stay put, but facts include references to dates prior to the complaint being filed. No facts are alleged explaining the allegation or specifically stating an IDEA or California special education law violation.
- Student's Issue 8 is insufficient as the date of June 4 is incomplete and therefore the date of the prior written notice being alleged as deficient is not clear. All allegations appear to reference a June 4, prior written notice. However, the issue also references a legally deficient July 30, 2026 prior written notice without including any factual allegations regarding what triggered the notice or why the July 30, 2026 prior written notice did not meet legal standards. Student is encouraged to separately plead defects alleged in multiple prior written notices.
- Student's issue 10 fails to identify the date of the IEP being challenged.

- Student's issue 11 fails to allege facts identifying the date of the placement offer Student asserts did not meet Student's needs or how the placement violated the IDEA or California special education law.
- Student's issue 13 is unintelligible in that it fails to allege facts describing what Stockton did that violated the IDEA or California special education laws in relation to Student's anxiety deficits.
- Student's issue 14 is also unintelligible as stated. The allegations do not clearly state the IDEA or California special education law violation being asserted, while including extraneous, and apparently unnecessary, information that also fails to clarify Student's claim.

As a result of the pleading deficiencies described, Stockton has not been adequately notified of the claims being asserted against it and, therefore, is unable to prepare to participate in resolution session, mediation or hearing.

ORDER

1. Issues 1, 2, 5, 9, and 12 of Student's complaint are sufficient under title 20 U.S.C. section 1415(b)(7)(A)(ii).
2. Issues 3, 4, 6, 7, 8, 10 11, 13 and 14 of Student's 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, 5, 9, and 12 in Student's complaint.

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl

Administrative Law Judge

Office of Administrative Hearings