

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

MT. DIABLO UNIFIED SCHOOL DISTRICT.
OAH CASE NUMBER 2026030893

ORDER DETERMINING DUE PROCESS COMPLAINT
INSUFFICIENT

SEPTEMBER 28, 2026

On March 19, 2026, Student filed a Due Process Hearing Request, also called a complaint, with the Office of Administrative Hearings, called OAH, naming Mount Diablo Unified School District as respondent. On September 4, 2026 Student's amended complaint was deemed filed pursuant to the Prehearing Conference Order. On September 21, 2026, Mount Diablo filed a Notice of Insufficiency as to the 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 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 of writing of such determination. (20 U.S.C. § 1415 (c)(2)(D); 34 C.F.R 300.508 (d) (2).)

STUDENT'S AMENDED COMPLAINT INSUFFICIENT

FAILURE TO ALLEGE REQUIRED MINIMUM FACTS

Student's amended complaint fails to include the information required by state and federal special education law. Specifically, the amended complaint does not include the address or contact information for the Student. (20 U.S.C. 1415(b)(7)(A)(ii); Ed. Code § 56502(c)(1)(A).) While Student titles the filing "proposed amendment to due process complaint" OAH requires that any amended complaint be a complete document that includes all necessary allegations. OAH does not accept complaint amendments that a party expects to incorporate documents or information from a prior filing. Here, Student failed to assert the minimum information required in a special education due process request.

ADDITIONAL INDIVIDUAL ISSUE INSUFFICIENCIES

Issues 1 and 2 are insufficient because they fail to allege any facts demonstrating Student has a basis to allege claims prior to March 19, 2024. There are limited circumstances allowing requests for due process hearings to assert claims that occurred

more than two years prior to filing. The circumstances are clearly delineated in California special education law. (20 U.S.C. 1415 (b)(6)(b); Ed. Code § 56505, subd. (l).) Mount Diablo is entitled to know the facts Student alleges support his claim that he filed his complaint within two years from the date he knew or had reason to know of the facts underlying the basis of the complaint or the facts supporting an exception to the statute of limitations. Without this information, Mount Diablo is unable to prepare for resolution session, mediation, or hearing. Issues 1 and 2 are insufficient.

Issue 4 appears to allege Mount Diablo failed to implement services but fails to clearly state which services from which IEP were not implemented. Mount Diablo is entitled to know the allegations against it. Without this information, Mount Diablo is unable to prepare for resolution session, mediation , or hearing. Issue 4 is insufficient.

Issue 7 fails to state clearly whether Student is alleging Parents did not consent to the "last offer of FAPE." It also fails to identify the date of the alleged last offer of FAPE. The issue also appears to include allegations of a failure to implement IEP services without identifying the IEP or services that were not implemented. Confusion is created in the combination of allegations and the lack of adequate facts as to the allegations stated. Without this information, Mount Diablo is unable to prepare for resolution session, mediation , or hearing. Issue seven is insufficient.

Issue 9 fails to clearly state the special education violation being alleged. If this is another issue alleging a failure to conduct a 30 day review IEP following a transfer, that needs to be stated and the requisite allegations justifying a claim predating March 19, 2024, should be made. If a different type of claim is being asserted, it needs to be clearly described. An allegation of a "violation of multiple education laws" is insufficient, and leaves Mount Diablo unable to prepare for resolution session, mediation or hearing. Issue nine is insufficient.

Issues 11 and 13 are insufficient because they lack adequate facts to determine whether 13 is, in part, duplicative of 11 or whether the two claims are, indeed, separate. This is partly due to a lack of a designated time range during which mental health assessments allegedly were not completed in either issue. Without the essential facts necessary to determine whether these issues are duplicative, Mount Diablo is unable to prepare for resolution session, mediation or hearing. Issues 11 and 13 are insufficient.

REMAINING ISSUES PLED IN AMENDED COMPLAINT

Issues 3, 6, 8, 10, and 12 are sufficiently pled to provide notice to Mount Diablo of the claims being asserted. Nothing in this order prohibits either party, or limits the ALJ, from seeking additional clarification of the issues prior to hearing.

Issue 14 appears to be sufficiently pled. A notice of Insufficiency is not the proper vehicle to challenge jurisdiction regarding an allegation of violation of Section 504 of the Rehabilitation Act.

ORDER

1. Student's first amended complaint is insufficiently pled as a whole due to the failure to allege the minimum facts required under the IDEA and California special education law. It is therefore insufficiently plead 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). A complete amended complaint must be filed and served, with all minimum information required by state and federal law.

3. The amended complaint shall comply with the requirements of title 20, United States Code, section 1415(b)(7)(A)(ii), and shall be filed not later than 14 days from the date of this order.
4. If Student fails to file a timely amended complaint, the complaint will be dismissed.
5. All future complaints must state the ordinal designation of the amended complaint, for example, Student's Second Amended Complaint.
6. All dates previously set in this matter are vacated.

IT IS SO ORDERED.

Tara Doss

Tara Doss for Penelope S. Pahl

Administrative Law Judge

Office of Administrative Hearings