

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026090535

ORDER DETERMINING DUE PROCESS COMPLAINT
SUFFICIENT

SEPTEMBER 30, 2026

On September 14, 2026, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming West Contra Costa Unified School District. On September 25, 2026, West Contra Costa filed a Notice of Insufficiency as to the complaint. On September 28, 2026, Student filed opposition to the 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).

The complaint is deemed sufficient unless a party notifies OAH and the other party in writing within 15 days of receiving the complaint that the party believes the complaint has not met the notice requirements. (20 U.S.C. § 1415(c)(2)(C); Ed. Code, § 56502, subd. (d)(1).) West Contra Costa timely filed a notice of insufficiency as to the first amended complaint.

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

Student's complaint alleges 15 issues with some issues that include subsections. West Contra Costa argues that Student's complaint is vague, confusing, repetitive, and fails to put is on notice of the issues. Additionally, it fails to make a clear connection between the factual allegations and alleged violations and neglects to provide sufficient facts relating to the identified issues. Specifically, West Contra Costa maintains:

- "In Issue I (1) 1.: Equates speech and learning minutes with reading present levels, alleges without supporting facts that the District should have known Student required additional speech and language minutes.
- In Issue I (1) 2.: Equates some writing present levels with occupational therapy and does not identify the annual goal that Student did not meet such that it is unclear.
- In Issue I (2) 1.: Does not identify how it is the District should have known Student required APE.
- In Issue I (3): Equates lack of data with failure to schedule a vision or hearing test.
- In Issue I (4): Does not identify which goals were insufficient or why they were insufficient; the sub-issue regarding the lack of an APE goal is duplicative of Issue I (2) 1. above.

- In Issue I (5): Does not identify which accommodations are insufficient or should have been offered; does not identify the “therapists”; does not identify an IEP within the pleaded and relevant statutory period.
- In Issue I (6): Does not identify any facts related to why parents required training in speech and language services.
- In Issue I (7): Use of male and female pronouns creates confusion regarding references to Student herself or Endrew F., expert witness making recommendations is not identified, does not identify when the District allegedly failed to appropriately assess Student.
- In Issue II (8) 1.: Equates speech and learning minutes with reading present levels, alleges without supporting facts that the District should have known Student required additional speech and language minutes.
- In Issue II (8) 2.: Alleges without supporting facts that the District should have known Student required additional occupational therapy minutes.
- In Issue II (9): Does not identify whether the District or parents had concerns regarding APE such that assessment was required.
- In Issue II (10): Does not identify any facts related to why parents required training in speech and language services.
- In Issue II (11): Does not identify any facts supporting a need for equine therapy.
- In Issue II (12): Does not identify any facts specific to Student regarding why her placement for this particular school year was inappropriate.
- In Issue II (13): Does not identify any facts related to predetermination.
- In Issue III (14): Does not identify any facts specific to Student regarding why her placement for this particular school year was inappropriate.
- In Issue III (15) 1.: Does not identify any facts related to predetermination; does not identify facts identifying that Parents’ concerns was not considered.

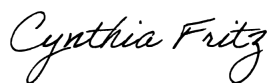
- In Issue III (15) 2.: Does not identify any facts related to predetermination; does not identify facts identifying that Parents' concern was not considered.
- In Issue III (15) 3.: Does not identify any facts related to predetermination; does not identify facts identifying that Parents' concern regarding PE were shared at the IEP meeting or that Parents' concerns were not considered."

While the undersigned agrees that the complaint is rambling and repetitive, the issues are identifiable and adequate facts about the problems pled to permit West Contra Costa to defend itself and participate in a resolution session and mediation. Student's complaint contains sufficient information for West Contra Cost to know how to prepare for the hearing.

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.



Cynthia Fritz

Administrative Law Judge

Office of Administrative Hearings