BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

MONTEREY PENINSULA UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026051078

ORDER DETERMINING DUE PROCESS COMPLAINT SUFFICIENT

JUNE 3, 2026

On May 22, 2026, Parent on behalf of Student filed a due process hearing request with the Office of Administrative Hearings, called OAH, naming Monterey Peninsula Unified School District. A due process hearing request is called a complaint. On June 2, 2026, Monterey Peninsula Unified timely filed a Notice of Insufficiency as to 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:

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.)

Student's complaint raises two issues, both of which are sufficient as described in this Order. Issue One involves Monterey Peninsula Unified's alleged failure to assess Student in all suspected areas of disability from May 22, 2024, through May 22, 2026. Page five of the complaint describes facts regarding Monterey Peninsula Unified's failure to assess Student for aide support and her emotional needs. The complaint does not provide a description of facts regarding any other suspected area of need that necessitated an assessment.

Liberally read, the complaint's description of Issue One provides Monterey Peninsula Unified with enough information about the alleged failure to assess Student for aide support, and her emotional needs from May 22, 2024, through May 22, 2026. The complaint provides Monterey Peninsula Unified with sufficient information about the problem to enable it to prepare for hearing and to participate in resolution sessions. Accordingly, Issue One is sufficient as described in this Order.

Issue Two alleges Monterey Peninsula Unified failed to offer Student an educational program to meet her unique needs from May 22, 2024, through May 22, 2026. Page six of the complaint describes Monterey Peninsula Unified's alleged failure to meet Student's need for a one-to-one aide. The complaint also claims Monterey Peninsula Unified failed to offer Student placement in a nonpublic school because of its failure to meet her needs. The complaint does not provide a sufficient description of any other problems involving any other aspect of Student's educational program, such as services and therapies.

Liberally read, the complaint's description of Issue Two provides Monterey Peninsula Unified with enough information about the alleged failure to offer Student an educational program that included one-to-one aide support and a nonpublic school, from May 22, 2024, through May 22, 2026. The complaint provides Monterey Peninsula

Unified with sufficient information about the problem to enable it to prepare for hearing and to participate in resolution sessions. Accordingly, Issue Two is sufficient as described in this Order.

If the Issues as described in this Order do not reflect Student's intended issues or claims, nothing in this Order prevents Student from filing a Motion to Amend and an Amended Complaint.

ORDER

1. The complaint is sufficient under title 20 United States Code section 1415(b)(7)(A)(ii).
2. Prehearing conference and hearing dates in this matter are confirmed.

Rommel P. Cruz

Rommel P. Cruz
Administrative Law Judge
Office of Administrative Hearings