BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

FREMONT UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026050504

ORDER DETERMINING DUE PROCESS COMPLAINT PARTIALLY SUFFICIENT

JUNE 29, 2026

On May 12, 2026, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Fremont Unified School District.

On May 26, 2026, Fremont filed a Notice of Insufficiency as to the complaint.

On May 27, 2026, OAH issued an Order determining Student's complaint was partially sufficient. OAH specifically noted:

> The issues appear to be generated in the hallmark quasi-legalese language of a complaint drafted by artificial intelligence. Which is a disservice to Student as the issues,

> though formidable looking on paper, fail to adequately state a claim and provide Fremont "an awareness and understanding of the issues forming the basis of the complaint."

OAH determined that one of Student's 10 pled issues was sufficient. OAH allowed Student to file an amended complaint within 14 days of its Order.

Student filed a first amended complaint on June 10, 2026. On June 25, 2026, Fremont timely filed a Notice of Insufficiency as to Student's first 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 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.) 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 46,540-46,541, 46,699.)

DISCUSSION

Student's complaint alleges 10 claims in the complaint, some of which are sufficient and some which are insufficient. Although many of Student's issues are sufficiently pled, these issues bring overlapping or duplicative claims. For example, Issues 1, 2, and 3 allege that Fremont failed to timely provide complete copies of Student's educational records.

Student's Issues 1, 2, 3, 4, 5, and 7 include hallmark quasi-legalese language of a complaint drafted by artificial intelligence. However, under the liberal pleading requirements under special education law, these issues include some sufficiently pled claims. Accordingly, Issues 1, 2, 3, 4, 5, and 7 sufficiently plead that Fremont allegedly:

- failed to provide Parents with complete copies of Student's educational records pursuant to an April 27, 2026, written request;

- failed to provide prior written notice regarding Parents' May 4, 2026, "notice of emergency private placement" at Fusion Academy;
- failed to provide prior written notice of specified requests Parents made on May 13, and 14, 2026;
- predetermined Student's program at the September 9, 2025, and November 20, 2025, individualized education program, called an IEP, team meetings;
- failed to meet its Child Find obligations during the 2025-2026 school year, by failing to assess Student's suspected attention and auditory processing deficits;
- materially failed to implement Student's specialized academic instruction included in the September 9, 2025, IEP during the 2025-2026 school year; and
- failed to place Student in the least restrictive environment through the September 9, 2025, IEP.

Student's Issues 6, 8, 9, and 10, also include hallmarks of a complaint drafted by artificial intelligence. As explained in detail below, Issues 6, 8, 9, and 10 are not sufficiently pled.

Issue 6 alleges that Fremont staff "engaged in a pervasive pattern of instructional negligence, bad-faith coercion, and verbal demoralization" during the 2025-2026 school year. Student provided an incomplete citation to title 20 United States Code section 1415, and a citation to Education Code, section 56046. However, the Education Code section applies to school district staff impermissibly influencing other school district staff under their supervisory authority and does not implicate student discipline or interactions between staff and students.

Student's Issue 6 is not clear and does not adequately put Fremont on notice of a special education claim. Issue 6 is insufficiently pled.

Issue 8 alleges that Fremont denied Student a FAPE through "behavioral weaponization and the chilling of advocacy." These are not terms generally used in special education. Student cites a federal regulation relating to the disciplinary change of placement for a student who violated the applicable code of student conduct. This authority is not supportive of Student's allegation.

Student's Issue 8 does not adequately put Fremont on notice of a special education claim. Issue 8 is insufficiently pled.

Issue 9 alleges that Fremont staff engaged in "illegal punitive practices and denial of physiological needs." Student provided an incomplete citation to title 20 United States Code section 1412, which voluminously describes the conditions states must follow to receive federal special education funding, to support this allegation. This incomplete citation does not add clarity to Student's issue.

Student alleges that Student has suffered "significant environmental trauma," "intense anxiety," and "physical distress" because of Fremont staff members' alleged conduct. Student's Issue 9 is not clear and does not adequately put Fremont on notice of a special education claim. Issue 9 is insufficiently pled.

Issue 10 alleges that Fremont denied Student a FAPE, "via environmental toxicity inducing acute somatic crisis and school exclusion." As with previous issues discussed above, these terms are not generally used in special education and are consistent with pleadings generated by artificial intelligence.

Student alleges that Student has suffered "induced psychological trauma," and "physiological symptoms" because of Fremont staff members' alleged conduct. Student's Issue 10 is not clear and does not adequately put Fremont on notice of a special education claim. Issue 10 is insufficiently pled.

MEDIATOR ASSISTANCE FOR NON-REPRESENTED PARENTS: 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.

The parties are also reminded of the admonishment regarding the use of artificial intelligence included in the Scheduling Order OAH issued in this matter. The parties and attorneys must always personally confirm for themselves the accuracy of any content generated by artificial intelligence tools before submitting the document. Accordingly, failure to exercise adequate care in reviewing and filing documents created with the assistance of generative artificial intelligence tools may expose the party or attorney to sanctions. (Cal. Code. Regs., tit. 5, § 3088, subds. (a) & (e); Gov. Code, § 11455.30, subd. (a), and Code Civ. Proc., § 128.5.)

ORDER

1. Issues 1, 2, 3, 4, 5, and 7, as described in this Order, are sufficient under title 20 U.S.C. section 1415(b)(7)(A)(ii).
2. Issues 6, 8, 9, and 10, 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, 3, 4, 5, and 7, as described in this Order.

IT IS SO ORDERED.

Ashok Pathi

Ashok Pathi
Administrative Law Judge
Office of Administrative Hearings