BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

GLENDALE UNIFIED SCHOOL DISTRICT AND LOS ANGELES COUNTY OFFICE OF EDUCATION

OAH CASE NUMBER 2026030048

ORDER DETERMINING DUE PROCESS COMPLAINT PARTIALLY INSUFFICIENT AS TO GLENDALE UNIFIED SCHOOL DISTRICT

MARCH 11, 2026

On February 27, 2026, Parent, on behalf of Student, filed a Due Process Hearing Request, also called a complaint, with the Office of Administrative Hearings, called OAH, naming Glendale Unified School District and Los Angeles County Office of Education as respondents. OAH determined the complaint raised both expedited and non-expedited claims, scheduled the case for separate prehearing conferences and hearings on the expedited and non-expedited issues. On March 10, 2026, Glendale Unified School District filed a Notice of Insufficiency regarding the 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; (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 notice of whether the complaint meets the requirements of title 20 United States Code section 1415 (b)(7)(A) and shall immediately notify the parties of writing of such determination. (20 U.S.C. § 1415 (c)(2)(D); 34 C.F.R 300.508 (d) (2).)

SUFFICIENCY DETERMINATION PROCESS NOT AVAILABLE FOR EXPEDITED CLAIMS

Title 20 United States Code section 1415(k)(3) permits a party to request an expedited hearing for specified reasons. An expedited hearing can be requested to appeal a disciplinary change of placement, such as placement in an alternative education setting, or to appeal a manifestation determination regarding student conduct. The IDEA requires an expedited hearing start within 20 school days from the hearing request. Section 1415(k) does not include a provision to test the complaint's sufficiency. Indeed, there is insufficient time to complete the NOI process in expedited hearings.

In this case, the complaint alleges both expedited and non-expedited claims.

ISSUE NUMBER 1

Issue number one asserts:

> "An expedited hearing is requested due to the urgency of the situation. Student is experiencing homelessness under the McKiney-Vento Act and is being denied immediate access to a compulsory education. GUSD has continuously

> refused to evaluate Student. GUSD failed to implement a manifestation determination review, and they have failed to implement an IEP. GUSD has illegally excluded Student from school which is a significant violations (sic) of Free appropriate public education (FAPE). GUSD's failure to provide a FAPE has caused immediate deprivation educational benefits."

Issue number one asserts multiple claims, some of which are expedited and some of which are not. Student's expedited claims are the allegation that GUSD failed to conduct a manifestation determination review and that Student is being illegally excluded from school. While these allegations will require clarification at a prehearing conference, allegations that may state claims under 20 U.S.C. 1415 (k) must be set for expedited hearing. Whether an expedited hearing is ultimately applicable to these allegations will be determined at the expedited hearing prehearing conference.

Student's non-expedited claims stated in issue number one are not sufficient. The first, that he is being denied access to "compulsory education" fails to state the time frame involved, Student's grade level, and what the compulsory education involves, specifically, whether it includes a denial of access to special education to which Student is entitled by an IEP and what type of instruction he is being denied. Student also alleged that the denial of FAPE has resulted in a loss of educational benefits. This allegation fails to state when Student was denied FAPE, how he was denied FAPE and the educational benefits that were denied.

ISSUE NUMBER 2

Student's issue number two reads:

> "Pattern of school disciplinary removals began in his kindergarten school year and began again during his current first grade school year on October 16, 2025, October 17, 2025-November 13, 2025 and November 14, 2025–this present date (2-27-2026)."

Student's issue number 2 alleges an expedited claim that Student was subject to a pattern of "disciplinary" removals, beginning in the 2024-2025 school and continuing in first grade from October 16, 2025 t through February 27, 2026. Details will require clarification during the expedited hearing prehearing conference.

ISSUE NUMBER 3

Student's issue number three reads:

> "Student cannot wait for a standard, non-expedited timeline because he has been out of school since November 14, 2025. GUSD (especially his teachers and principals (sic) knew of Student's disability and homelessness prior to suspending him and removing him from school and has continuously refused him access to a compulsory education."

Student's issue three appears to duplicate expedited issues one and two. This issue, too, will require clarification at Student's expedited prehearing conference.

NON-EXPEDITED CLAIMS ARE INSUFFICIENT

Student's non-expedited claims require additional information as the multiple, non-expedited issues stated in issue number one fail to give Glendale adequate information to prepare for resolution session, mediation, or hearing.

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.

ORDER

1. Student's complaint against Glendale Unified School District is partially insufficient.
2. The expedited issues stated are not subject to a notice of insufficiency.
3. The non-expedited issues stated as part of issue number one of Student's complaint are insufficiently pled under title 20 United States Code section 1415(c)(2)(D).
4. Student shall be permitted to file an amended complaint under title 20 United States Code section 1415(c)(2)(E)(i)(II) to provide additional information about the non-expedited claims. Student is also allowed to amend expedited issues, but is not required to do so by this order.
5. 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.
6. The filing of an amended complaint will restart the applicable timelines for both the expedited and non-expedited issues in the request for due process hearing.

7. If Student fails to file a timely amended complaint, the hearing shall proceed on the expedited claims alleged in Student's complaint.

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl
Administrative Law Judge
Office of Administrative Hearings