BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

AZUSA UNIFIED SCHOOL DISTRICT AND GLENDORA UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026020802

ORDER DETERMINING DUE PROCESS COMPLAINT SUFFICIENT

MARCH 9, 2026

On February 17, 2026, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Azusa Unified School District, called Azusa, and Glendora Unified School District, called Glendora. On March 4, 2026, Glendora filed a timely Notice of Insufficiency as to the complaint. Student did not file a response.

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 alleges five issues called a through e, with two sub-issues each labeled i and ii. Issues one (a), three (c) and four (d) allege that Glendora (issues one and four) and Azusa (issue three) denied Student a FAPE by (i) not finding him and referring him for a special education assessment and (ii) not making him eligible for special education and related services during the 2022-2023, 2024-2025, and 2025-2026, school years. Issue two (b) alleges that Azusa denied Student a FAPE by (i) conducting an inappropriate evaluation and (ii) not making him eligible for special education and related services. Issue five alleges that Azusa denied Student a FAPE by (i) not making him eligible for special education and related services and (ii) not conducting evaluations or IEP meetings with the legal timeframes.

Glendora contends that Student's complaint is insufficient as to Glendora. Glendora alleges the complaint lacks factual allegations that would allow it to discern the nature and scope of the claims asserted against it, possible resolution or to prepare a defense. Additionally, Glendora argues that Student has named it as a party without articulating a legal basis for imposing responsibility on Glendora. A Notice of Insufficiency addresses whether an issue has been sufficiently alleged to put the responding party on notice of the claims. Nothing in this Order prevents Glendora from filing a motion to dismiss as a party.

Student's complaint is sufficiently pled to put Glendora and Azusa on notice as to the basis of Student's claims. Student alleges a failure to assess and to find Student eligible for Special Education for a specific time period. Student describes the problem, includes facts about the problem and proposes a resolution. The complaint describes sufficient facts to provide respondents with an awareness and understanding as to the issues surrounding the alleged failure to assess and find Student eligible. Therefore, the complaint is sufficiently pled.

ORDER

1. Student's complaint is sufficient under section title 20 United States Code 1415(c)(2)(D).
2. All prehearing conference, and hearing dates in this matter are confirmed.

IT IS SO ORDERED.

Katherine Roe
Katherine Roe (Mar 9, 2026 11:41:37 PDT)

Katherine Roe

Administrative Law Judge

Office of Administrative Hearings