BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

OAKLAND UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026041203

ORDER DETERMINING DUE PROCESS COMPLAINT PARTIALLY SUFFICIENT

MAY 8, 2026

On April 24, 2026, Parent on behalf of Student filed a due process hearing request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Oakland Unified School District, called Oakland. On May 5, 2026, Oakland filed a notice of insufficiency as to the complaint.

An individualized education program is called IEP. A free appropriate public education is called a FAPE.

Student's complaint contains eight issues identified as Issues A through G, one of which is sufficient and the rest of which are insufficient, as discussed below. Oakland alleges Issues A, C, D, E, F, G and H are insufficient. Oakland did not challenge the

sufficiency of Issue B, which alleges a procedural violation by failing to timely convene an IEP team meeting after Parent's request in May 2025. Issue B is therefore deemed sufficient.

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, at *4 [nonpub. opn.]; 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 discretion of the ALJ. (*Assistance to States for the Educ. of Children with Disabilities & Preschool Grants for Children with Disabilities* (Aug. 14, 2006) 71 Fed. Reg. 46698.)

FAILURE TO ALLEGE STANDING TO FILE THE COMPLAINT ON STUDENT'S BEHALF

Oakland contends Student's complaint is insufficient because it does not state if Parent has standing to file the complaint on Student's behalf. Oakland contends Student turned 18 years old on November 8, 2025, at which time her educational rights transferred to Student. Oakland challenges the sufficiency of the complaint to the extent it alleges facts after Student reached the age of majority.

When a student with exceptional needs reaches the age of majority under state law, except for a student who has been determined to be incompetent under state law, any notice of procedural safeguards required by title 20 United States Code section 1415 shall be provided to both the student who is 18, and the parents. All other rights accorded to parents shall transfer to the student. (20 U.S.C. § 1415(m); Ed. Code, § 56041.5.) The local educational agency shall notify the individual and the parent of the transfer of rights. (Ed. Code, § 56041.5.)

Accordingly, a parent of such an adult student only retains the right to receive notice of procedural safeguards. The right to participate in IEP team meetings regarding the identification, evaluation, educational placement, and the provision of a FAPE to the adult student is transferred from parent to student upon the student's reaching the age of majority. Educational agencies must thereafter afford the adult student the opportunity to participate in such IEP team meetings, not the student's parent.

However, this statute does not prohibit a non-conserved adult from assigning educational decision-making authority to his or her parents, or another representative, after the on-conserved adult is deemed to possess those rights.

To the extent the complaint alleges claims after Student turned 18-years old, it is insufficiently pled for failure to allege Parent is authorized to file the complaint on Student's behalf. In the event Student elects to file an amended complaint, the amended complaint must allege who holds Student's educational rights for the period after Student turned 18 years old.

ISSUE A IS INSUFFICIENT

Issue A asserts Oakland failed to implement an agreed upon summer school plan offered by Oakland on May 5, 2025. Oakland contends Issue A lacks facts relating to a proposed change regarding Student's identification, evaluation, educational placement, or the provision of a FAPE sufficient for it be on notice of the nature of the problem.

Issue A is insufficiently pled. Although the complaint references a summer course schedule, it is unclear if Student is challenging the inadequacy of an offer made in an IEP, or the failure to implement an IEP. It is unclear which IEPs are at issue, if the challenge is to the offer, and which IEPs, if any, Student claims Oakland failed to implement. Issue A fails to include sufficient information for Oakland to prepare for the hearing and participate in a resolution session or mediation. If Student elects to file an amended complaint, she can rectify this problem by including specific facts about the problem, when the events occurred, which IEP or IEPs Oakland allegedly failed to implement, and how these facts relate to a change regarding Student's identification, evaluation, educational placement, or the provision of a FAPE.

ISSUE C IS INSUFFICIENT

Issue C alleges procedural violations concerning an IEP team meeting held on October 3, 2025. However, the complaint does not state specific facts describing what procedural violations occurred, or how they related to a change regarding Student's identification, evaluation, educational placement, or the provision of FAPE to Student. Issue C fails to allege sufficient facts for Oakland to understand the alleged procedural violation being asserted. To rectify Issue C, Student should describe each problem and set forth sufficient facts about each problem or violation including when and how each occurred such that Oakland is put on notice of the claim so it can prepare for hearing and participate in a resolution session or mediation.

ISSUE D IS INSUFFICIENT

Issue D alleges that Oakland's representatives retaliated against and harassed Parent, and created a hostile environment. Issue C does not describe specific facts describing what events occurred, when they occurred, or how they related to a change regarding Student's identification, evaluation, educational placement, or the provision of FAPE to Student. As pled, Issue D is vague and ambiguous and is insufficiently pled to put Oakland on notice of the claim.

ISSUE E IS INSUFFICIENT

Issue E alleges Student's school transcript contained errors, including an incorrect graduation date. Student alleges these errors caused emotional distress, depression, and a denial of academic opportunities. Issue E does not include facts showing how any transcript errors relate to a change regarding Student's identification, evaluation,

educational placement, or the provision of FAPE to Student. Issue E is vague and ambiguous and is insufficiently pled to put Oakland on notice of the claim.

ISSUE F IS INSUFFICIENT

Issue alleges Student experienced academic decline and emotional distress. Issue F is devoid of facts explaining what occurred, when it occurred, and how it relates to a change regarding Student's identification, evaluation, educational placement, or the provision of FAPE to Student. It appears that this claim relates to a request by Parent in May 2025 to schedule an IEP team meeting, and Oakland's response to this request. As pled, Issue F is too vague for Oakland to understand the claim and lacks a sufficient description of the facts relating to the problem.

ISSUE G IS INSUFFICIENT

Issue G alleges Oakland denied Student a FAPE by denying accommodations. Issue G is insufficient because Student fails to allege when this violation took place and lacks facts about which accommodations were denied. Issue G is vague and ambiguous because it is unclear if Student is challenging the adequacy of an offer made in an IEP, or claiming Oakland failed to implement accommodations in an IEP. If Student is alleging Oakland failed to implement accommodations, she should indicate which accommodations she contends were not implemented, when this occurred, and which IEP or IEPs offered the accommodations. As pled, Issue G fails to include sufficient information for Oakland to prepare for the hearing and participate in resolution session or mediation.

ISSUE H IS INSUFFICIENT

Issue H is a subheading titled, "withholding graduation requirement." This claim fails to include facts relating to a change regarding Student's identification, evaluation, educational placement, or the provision of FAPE to Student. Issue F is vague, ambiguous, and incomplete, and insufficient for Oakland to understand the claim. If Student elects to amend the complaint, she should provide detailed facts about the problem, including what occurred, when it occurred and how it relates to a problem about her placement or the provision of FAPE.

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.) Parent and Student are encouraged to contact OAH for assistance if they intend to amend their due process hearing request.

ORDER

1. Issue B in the complaint is sufficient under title 20 United States Code section 1415(b)(7)(A)(ii).
2. Issues A, C, D, E, F, G and H 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). The amended complaint shall state who holds Student's educational rights.
4. The amended complaint shall comply with the requirements of title 20 United States Code 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 as to Issue B.

IT IS SO ORDERED.

Jennifer Kelly

Jennifer Kelly
Administrative Law Judge
Office of Administrative Hearings