BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

SOUTH PASADENA UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026020971

ORDER DETERMINING DUE PROCESS COMPLAINT INSUFFICIENT

MARCH 09, 2026

On February 21, 2026, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming South Pasadena Unified School District, called South Pasadena. On March 3, 2026, South Pasadena filed a timely Notice of Insufficiency as to the complaint. On March 6, 2026, Student filed 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 three issues. Issue one contains multiple claims including child endangerment and a duty to provide safe IEP-mandated transportation, interferences with implementation of IEP-mandated nursing services, failure to schedule

IEP within appropriate time frame and following school transportation incident. Issue two contains allegations of failure to provide records, prior written notice, failure to "init" incident intake, nursing oversight and failure to report material safety change. Issue two also includes allegations of misrepresentation to law enforcement, retaliation and failure to implement IEP supports. Issue three is a notice to district regarding careless driving and foreseeable harm.

South Pasadena contends that Student's complaint is insufficient because the issues and sub-issues are overbroad and vague. The issues are presented as conclusory statements without supporting details. South Pasadena contends that the lack of supporting facts in the complaint prevents it from knowing how to respond or address the allegations.

Student's complaint is insufficiently pled. Although Student mentions failure to implement IEP supports, and includes allegations regarding IEP related services and notice, the complaint does not describe a problem and state sufficient facts alleging an IDEA claim. If Student is challenging a component of Student's IEP, what component(s) is unclear. The complaint lacks sufficient information for respondent to know how to prepare for the hearing and how to participate in resolution sessions and mediation. Pleading standards under IDEA are broad, but still must provide the respondent with an awareness of the issue. Student's complaint does not.

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 is insufficiently pled under section title 20 United States Code 1415(c)(2)(D).
2. Student shall be permitted to file an amended complaint under title 20 United States Code section 1415(c)(2)(E)(i)(II).
3. 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.
4. If Student fails to file a timely amended complaint, the complaint will be dismissed.
5. All dates previously set in this matter are vacated.

IT IS SO ORDERED.

Katherine Roe
Katherine Roe (Mar 9, 2026 09:12:24 PDT)

Katherine Roe
Administrative Law Judge
Office of Administrative Hearings