BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

UNBOUND STOCKTON COMMUNITY SCHOOL.

OAH CASE NUMBER 2025110983

ORDER DETERMINING DUE PROCESS COMPLAINT INSUFFICIENT

DECEMBER 9, 2025

On November 21, 2025, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Unbound Stockton Community School. On December 8, 2025, Unbound filed a Notice of Insufficiency as to the complaint. Unbound contends Student's complaint does not allege any problems related to the initiation, identification, evaluation, or educational placement of Student or the provision of a free appropriate public education, called a FAPE. Unbound also asserts Student's complaint requests resolutions beyond those OAH has jurisdiction to grant.

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; *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.)

DISCUSSION

Student's complaint contains three problems, all insufficiently pled. Problem One and Problem Two pertain to Parent concerns regarding Student's safety due to alleged constant bullying by other student(s) with specific examples, including using racial slurs, telling Student to kill herself, slapping student, stabbing Student with a screw and pencils, and splashing hot cocoa in Student's face. Problem Three alleges negligence of administrators in not doing their jobs, not listening to Student or other Students, and not keeping students safe.

Student's complaint is insufficient as it fails to describe any reference to, or specific violations of, the Individuals With Disabilities Education Act. Nor does Student's complaint describe Student as a child with a disability, or entitled to services as a child with a disability. Lastly, it is unclear whether Student's complaint is asserting systemic problems or problems specific only to Student. Therefore, Student's complaint is insufficient as Student fails to allege facts that the problems asserted relate to any proposed change regarding the Student's identification, evaluation, or educational placement, or the provision of a free appropriate public education to Student.

A complaint is required to include proposed resolutions to the problem, to the extent known and available to the party at the time. (20 U.S.C. §1415(b)(7)(A)(ii)(IV).) Student's proposed resolutions include actions of talking to the alleged offending students, removing a particular student, and making administrators aware of the need to listen to students. Student's proposed resolutions meet the statutorily required standard of stating a resolution to the extent known and available to Student at the

time. Unbound's claim that some of Student's proposed resolutions are beyond the jurisdiction of OAH to grant, is rejected, given the broad authority of an administrative law judge to grant equitable remedies.

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.

Rita Defilippis

Rita Defilippis
Administrative Law Judge
Office of Administrative Hearings