BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

STOCKTON UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025120010

ORDER DETERMINING EXPEDITED ISSUE SUFFICIENT AND NON-EXPEDITED ISSUES IN DUE PROCESS COMPLAINT INSUFFICIENT

DECEMBER 15, 2025

On November 26, 2025, Parents, on behalf of Student, filed a due process hearing request, called a complaint, with the Office of Administrative Hearings, called OAH, naming Stockton Unified School District, called Stockton. On December 11, 2025, Stockton filed a Notice of Insufficiency as to the complaint.

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).

Title 20 United States Code section 1415(k)(3) permits a party to request an expedited hearing for specific reasons. Specifically, an expedited hearing can be requested to appeal a disciplinary change of placement, such as placement in an alternative education setting or a manifestation determination regarding student conduct. This section requires an expedited hearing start within 20 school days from the hearing request. There is no provision for expedited hearings under section 1415(k) to test the complaint's sufficiency. Indeed, there is insufficient time to complete the notice of insufficiency process in expedited hearings.

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 one issue, called A, with four sub-issues, called (i) through (iv), each involving further sub-issues, some of which are sufficient and some which are insufficient. Issue A(i)(b) alleges Stockton failed to timely assess Student because Stockton failed to conduct a manifestation determination hearing prior to removal on November 27, 2023. OAH determined this sub-issue is subject to an expedited time frame. Therefore, this sub-issue may not be challenged as insufficient. The remaining claims in Student's complaint are insufficiently pled.

Issue A(i)(a), and (c) through (f) allege Stockton failed to timely assess Student from November 27, 2023, through July 31, 2025, "for Dual English Learner," in functional behavioral, for the necessity of an educational aide, for educationally related mental health services, in occupational therapy, and assistive technology. However, the complaint is vague and confusing as to facts relevant to these claims. The complaint includes a lengthy summary of events from 2022 through 2025 without tying the events to the claims in Issue A(i)(a), and (c) through (f). It is unclear which events are alleged to have triggered Stockton's duty to assess Student. As such, these claims are insufficiently pled. If Student files an amended complaint, he should clearly identify the events and dates that he is alleging triggered Stockton's duty to assess for each area.

Issue A(ii) alleges Stockton failed to design an appropriate program to meet Student's needs from November 27, 2023, through July 31, 2025, in behavior, English language services, speech, academic instruction, mental health, and occupational

therapy. However, the complaint is unclear as to the specific individualized education programs, called IEPs, within this time period in which he is alleging Stockton should have offered a different placement or services. It is also unclear what Student means with respect to the "design of an appropriate program," as it may refer to almost any component of an IEP. Therefore, Issue A(ii) is impermissibly vague and insufficient as pled. If Student files an amended complaint, he should clearly state the IEPs he is alleging were deficient, and for what reason. Pleading standards under the IDEA are broad, but must still provide the respondent with an awareness of the issue.

Issue A(iii) alleges Stockton failed to implement's Student's IEPs from November 27, 2023, through "the present." However, it is unclear which IEPs Student is contending were not implemented, and with respect to which parts of the IEP. Again, the summary of events from 2022 through 2025 are not clear as to the events relevant to the claims. As such, Issue A(iii) is insufficiently pled. If Student files an amended complaint, he should clearly state the specific IEPs and components he is alleging Stockton failed to implement.

Issue A(iv) alleges from November 27, 2023, through "the present" Stockton failed to allow meaningful parental participation because of "denial of parental involvement, misrepresentation of services and student needs, and failure to provide IEP in language parent could understand." It is unclear which of the events in the complaint Student is alleging constituted a misrepresentation of services and student needs by Stockton. The complaint is vague as to the specific IEPs Student is alleging parents were denied involvement and meaningful participation. The lengthy recitation of events was not helpful in making the respondent school district aware of the issues. Even after reading the complaint numerous times, one needs to make wild guesses and inferences as to the facts that could plausibly support the claims. If Student files an amended

complaint, he should tie the facts in his complaint to the issues pled, such that Stockton has an awareness of the issues forming the basis of the complaint.

ORDER

1. Issue A(i)(b) is subject to an expedited time frame and cannot be challenged on the basis of insufficiency under title 20 United States Code section 1415(b)(7)(A)(ii).
2. Issues A(i)(a), and (c) through (f), A(ii), A(iii) and A(iv), 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).
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 the non-expedited issues for the due process hearing.

5. If Student fails to file a timely amended complaint, the non-expedited issues will be dismissed.
6. The expedited prehearing conference and due process hearing will proceed as scheduled on December 29, 2025, and January 6, 2026, respectively, unless dismissed.

IT IS SO ORDERED.

Cararea Lucier

Cararea Lucier
Administrative Law Judge
Office of Administrative Hearings