BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT

v.

ELK GROVE UNIFIED SCHOOL DISTRICT

OAH CASE NUMBER 2026050038

ORDER DETERMINING DUE PROCESS COMPLAINT PARTIALLY SUFFICIENT

MAY 18, 2026

On April 29, 2026, Parents on behalf of Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Elk Grove Unified School District. On May 13. 2026, Elk Grove filed a Notice of Insufficiency as to the complaint. Student filed an opposition to the Notice on May 14, 2026, Elk Grove filed a response to the opposition on May 15, 2026, and Student filed an additional response on May 15, 2026.

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 Individuals with Disabilities Education Act (20 U.S.C. § 1400 et. seq.), known as 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 does not separately designate claims. Elk Grove has divided Student's complaint into seven issue statements and asserts each is insufficiently pled. Each issue must be evaluated for insufficiency. Elk Grove does not challenge the sufficiency of the proposed resolutions. Upon review, some of the claims are sufficiently pled and others are insufficient.

Student's complaint is not traditionally organized. Rather than presenting a list of issues and discussing the facts supporting each one, Student has provided 149 pages discussing events in Student's educational history. This is followed by a section entitled "The Law" which sets out allegations that Elk Grove has violated the IDEA. The allegations are presented in a narrative form without clear separation into individual issues, which makes them difficult to analyze. Insufficiency applies, however, when a stated issue cannot be understood, not where it is poorly presented.

Elk grove asserts that issue one is vague, confusing, and internally inconsistent. This claim asserts Elk Grove failed to offer or provide early childhood services. Elk Grove challenges this claim because Student does not explain why Elk Grove would be required to provide early childhood services and does not state whether Student also believes Student should have been provided with a transition plan by age three. Such details are not required and relate more to defenses Elk Grove may be able to present. Student has asserted that no early childhood services were offered or provided. That statement is sufficient to allow Elk Grove to prepare to respond to the allegation and participate in the proceedings. Issue one is sufficiently pled.

Issue two asserts that Elk Grove conducted individualized education program team meetings for the purpose of delaying and denying services to Student. Elk Grove frames issue two as involving requests for independent educational assessments because the section cites law governing such requests even though it does not allege a

denial of a request for an assessment. Elk Grove's view is supported by the fact that Student has separately numbered the relevant paragraphs as "2" and "3," a convention that is then abandoned for the rest of the complaint. There is no assertion of any violation in paragraph two. However, issue two spans both numbered paragraphs to assert that Elk Grove repeatedly offered the same IEP to Student despite Parents' rejection of it in attempt to exhaust Parents' resistance, rather than file for due process to implement the IEP without parental approval. Issue two is sufficiently pled.

Elk Grove's motion asserts that paragraph three, which it views as Issue No. 3, discusses the obligation to file for due process when parents will not approve a proposed IEP. Elk Grove complains that the alleged obligation does not align with case law. That is a defense Elk Grove may raise and not a lack of sufficiency. There are not separate issues in paragraphs two and three.

Student's third issue, called Issue No. 4 by Elk Grove, asserts Student was refused input into the choice of an independent assessor and forced to accept a district-compliant assessor. Elk Grove objects that the claim has already been litigated before the California Department of Education as a compliance matter. This, again, is a defense Elk Grove may raise and not a mark of insufficiency. Elk Grove further asserts that Student's description of the result of being denied Parents' choice of assessor is an unclear and inconsistent statement of a claim. The result of Elk Grove's actions is not presented as a claim and is not subject to a notice of insufficiency. Issue three is sufficiently pled.

Student's fourth issue, referred to as Issue No. 5 by Elk Grove, asserts that Elk Grove predetermined its decision to change Student's eligibility. Elk Grove complains that the allegation conflicts with the facts cited in the complaint asserting that the team reviewed eligibility and proposed a new primary eligibility. Student asserted that the

district members changed Student's eligibility without Parents' knowledge or consent. Elk Grove's objection to the issue again raises a factual defense that does not apply to a notice of insufficiency. Issue four is sufficiently pled.

Elk Grove asserts that Student presents a statement of issue asserting lack of progress as issue six. It argues that the issue statement is insufficient because it simply states the law applicable to services and goals contained within an IEP. Elk Grove is correct. The entirety of the "LACK OF PROGRESS" section is legal citation without any reference to Student or Elk Grove. There is no allegation of any violation of the IDEA or its regulations. Without any specificity as to this Student, it is impossible for Elk Grove to determine what it may be called upon to defend in resolution or mediation or at hearing. To the extent that Student asserts a claim in the Lack of Progress section, it is insufficiently pled.

Similarly, Elk Grove posits as issue seven a section setting forth the standards under which claims outside the statutory limitations period may be heard. Although there is a specific reference to Elk Grove making no effort to involve Parents in the IEP process, it is not connected to any particular meeting and is clearly hyperbole in light of Student's assertion in issue two that Elk Grove compelled Parents to attend multiple IEP team meetings. The remainder of the section argues that Parents should be allowed to file past the two-year statutory limit because Elk Grove made misrepresentations to Parents and withheld information regarding Student's eligibility. The exceptions to the statute of limitations do not need to be pled as a claim for relief and do not constitute a claim for relief. To the extent Student asserts a claim in the discussion of the statute of limitations section, it is insufficiently pled.

Issues one, two, three, and four as described above are sufficiently pled to put Elk Grove on notice as to the basis of Student's claims. The facts alleged in Student's

complaint regarding those issues are sufficient to permit Elk Grove to respond and participate in a resolution session and mediation. Therefore, Student's statement of those four claims is sufficient.

For the remainder of the claims, the complaint fails to provide the required problem description and the facts relating to the problem. In Student's opposition to the Notice and additional response he sets forth a summary of claims in the complaint. Some of those issues, such as failure to educate Student in the least restrictive environment, do not appear in the "Law" section and are not sufficiently presented. For example, the only factual references to least restrictive environment appear in the context of Elk Grove IEP team members believing that a general education placement is the least restrictive environment for Student. Parents are reported to have asked about self-contained classes or a one-to-one aide, but there is no assertion that Student was not placed in the least restrictive environment or that the IDEA was violated in any way. If Student wishes to pursue claims other than the four found sufficient here, they must be presented in a new complaint.

ORDER

1. Issues one, two, three and four of Student's complaint as set forth above are sufficient under title 20 United States Code section 1415(b)(7)(A)(ii).
2. Any other issues intended to be raised in Student's complaint 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 a due process hearing.

5. If Student fails to file a timely amended complaint, the hearing shall proceed only on Issues one, two, three, and four as set forth above in Student's complaint.

IT IS SO ORDERED.

Chris Butchko

Chris Butchko
Administrative Law Judge
Office of Administrative Hearings