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 2025121086

ORDER DETERMINING DUE PROCESS COMPLAINT PARTIALLY SUFFICIENT

JANUARY 16, 2026

On December 30, 2025, Parents on behalf of Student field a due process hearing request, called a complaint, with the Office of Administrative Hearings, naming Stockton Unified School District. The Office of Administrative Hearings is called OAH. On January 13, 2026, Stockton Unified filed a timely 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).

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, called FAPE;
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.)

The statute of limitations in California is two years, consistent with federal law. (Ed. Code, § 56505, subd. (l); see also 20 U.S.C. § 1415(f)(3)(C).) However, title 20 United States Code section 1415(f)(3)(D) and Education Code section 56505, subdivision (l), establish exceptions to the statute of limitations in cases in which the parent was prevented from filing a request for due process due to specific misrepresentations by the local educational agency that it had resolved the problem forming the basis of the complaint, or the local educational agency's withholding of information from the parent that was required to be provided to the parent.

Some of the claims raised in Student's complaint are sufficient, and some are insufficient. The issues are discussed below.

CLAIMS PRIOR TO DECEMBER 30, 2023

The complaint alleges Stockton Unified committed violations from November 27, 2023, more than 30 days beyond the two-year statute of limitations. The complaint fails to raise an exception to the statute of limitations or provide a sufficient description of the problems regarding an exception, which permits Student to pursue claims prior to December 30, 2023. Accordingly, the complaint is insufficient as to claims prior to December 30, 2023.

ASSESSMENTS

The complaint sufficiently describes alleged failures by Stockton Unified to assess Student in various areas. The complaint contends Stockton Unified failed to conduct a functional behavior assessment during the 2023-2024 and 2024-2025 school years, referred to as Issue 1 in this Order. As set forth on pages 19 through 25, the complaint alleges enough facts about the problems related to a functional behavior assessment to

provide Stockton Unified with an awareness and understanding of the problem. Accordingly, Issue 1 is sufficient.

Referred to as Issue 2, the complaint also contends Stockton Unified denied Student a FAPE during the 2023-2024 school year, and from May 2, 2024, through July 31, 2025, by failing to assess Student's communication, specifically in the areas of augmentative and alternative communication, and assistive technology. Paragraph 133, and paragraphs 144 through 159 of the complaint provides a sufficient description of the problem to provide Stockton Unified with an awareness and understanding of the problem in Issue 2. Accordingly, Issue 2 is sufficient.

Referred to as Issue 3, the complaint contends in paragraphs 131 and 134, that Stockton Unified denied him a FAPE from May 2, 2024, through July 31, 2025, by failing to appropriately assess him for low incidence disability. The complaint sufficiently describes the problem to provide Stockton Unified with an awareness and understanding of the problem in Issue 3. Accordingly, Issue 3 is sufficient.

Referred to as Issue 4, the complaint contends Stockton Unified denied him a FAPE during the 2024-2025 school year by failing to conduct an educationally related mental health services assessment. Paragraphs 135 through 137 of the complaint provides a sufficient description of the problem to provide Stockton Unified with an awareness and understanding of the problem in Issue 4. Accordingly, Issue 4 is sufficient.

Referred to as Issue 5, the complaint contends Stockton Unified denied Student a FAPE during the 2024-2025 school year by failing to timely conduct an appropriate occupational therapy assessment. Paragraphs 138 through 143 of the complaint provides a sufficient description of the problem to provide Stockton Unified with an

awareness and understanding of the problem in Issue 5. Accordingly, Issue 5 is sufficient.

Referred to as Issue 6, the complaint contends Stockton Unified failed to conduct an audiological assessment during the 2023-2024 school year. Page 31 of the complaint discusses recommendations from an audiologist that Student required an amplification device, and Stockton Unified had an independent obligation to "consult with appropriate assessors" and "determine what recommendations were for services, materials and audiological recommendations." Liberally read, the complaint describes sufficient facts about the problem to provide Stockton Unified with an awareness and understanding of the problem in Issue 6. Accordingly, Issue 6 is sufficient.

SERVICES

Referred to as Issue 7, the complaint contends during the 2023-2024 and 2024-2025 school years, Stockton Unified failed to develop an individualized education program, called an IEP, with appropriate behavior intervention services and a behavior intervention plan. Paragraph 169 of the complaint argues Stockton Unified failed to design appropriate behavior interventions because his behaviors impeded his ability to participate in his education. The complaint sufficiently describes the problem behaviors on pages 36 through 42 to support Student's claim that Stockton Unified failed to offer appropriate behavior intervention services and a behavior intervention plan. The complaint alleges sufficient facts to provide Stockton Unified with an awareness and understanding of the problems in Issue 7. Accordingly, Issue 7 is sufficient.

Referred to as Issue 8, the complaint contends during the 2023-2024 and 2024-2025 school years, Stockton Unified failed to offer appropriate speech and language services. The problems described on pages 42 and 43 of the complaint alleges sufficient

facts to provide Stockton Unified with an awareness and understanding of the problems in Issue 8. Accordingly, Issue 8 is sufficient.

Referred to as Issue 9, the complaint contends Stockton Unified failed to offer appropriate specialized academic instruction in the May 2, October 1, November 20, and December 19, 2024, IEPs. Page 43 of the complaint alleges sufficient facts to provide Stockton Unified with an awareness and understanding of the problems in Issue 9. Accordingly, Issue 9 is sufficient.

Referred to as Issue 10, the complaint contends Stockton Unified failed to develop an IEP to include educationally related mental health services during the 2023-2024 and 2024-2025 school years. Liberally read, pages 43 and 44 of the complaint alleges sufficient facts about Stockton Unified's alleged failure to offer educationally related mental health services. The complaint provides Stockton Unified with an awareness and understanding of the problems in Issue 10. Accordingly, Issue 10 is sufficient.

Referred to as Issue 11, the complaint contends in pages 44 and 45, that Stockton Unified failed to offer Student occupational therapy services during the 2023-2024 and 2024-2025 school years. The complaint alleges sufficient facts to provide Stockton Unified with an awareness and understanding of the problems in Issue 11. Accordingly, Issue 11 is sufficient.

IMPLEMENTATION OF THE IEP

Referred to as Issue 12, the complaint contends Stockton Unified failed to implement speech and language services during the 2023-2024 and 2024-2025 school years. Issue 12 is not sufficiently plead because the complaint fails to allege sufficient facts regarding Stockton Unified failure to deliver speech and language services offered

by Stockton Unified and consented to by Parents. The complaint argues Stockton Unified "reduced speech services resulting in lack of progress." However, the complaint is unclear as to whether the reduction of speech services was based on a reduced offer of those services, or Stockton Unified's failure to deliver the required minutes of speech services called for in Student's operative IEP. The complaint fails to provide Stockton Unified with an awareness and understanding of the problems forming the basis of Issue 12. Accordingly, Issue 12 is insufficiently plead.

Referred to as Issue 13, the complaint fails to allege sufficient facts about Stockton Unified's failure to implement specialized academic instruction during the 2023-2024 and 2024-2025 school years. The complaint fails to provide Stockton Unified with an awareness and understanding of the problems forming the basis of Issue 13. Accordingly, Issue 13 is insufficiently plead.

Referred to as Issue 14, the complaint contends on page 45, Stockton Unified failed to implement Student's IEP from June 3, 2025, through December 29, 2025. The complaint fails to allege facts describing what aspects of the IEP were not implemented. The complaint fails to provide Stockton Unified with an awareness and understanding of the problems forming the basis of Issue 14. Accordingly, Issue 14 is insufficiently plead.

PARENTAL PARTICIPATION

Referred to as Issue 15, the complaint contends Stockton Unified denied Parents the opportunity to meaningfully participate in the decision-making process during the 2023-2024 and 2024-2025 school years. Specifically, Student argues Stockton Unified predetermined the services offered to support his hearing disability. Student also argues Stockton Unified failed to provide IEP related documents in Parent's native language. Pages 47 to 49 of the complaint alleges sufficient facts to provide Stockton

Unified with an awareness and understanding of the problems forming the basis of Issue 15. Accordingly, Issue 15 is sufficient.

ORDER

1. The complaint's issues, referred to as Issues 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 15 in this Order, are sufficient under title 20 United States Code section 1415(b)(7)(A)(ii).
2. The complaint's issues, referred to as Issues 12, 13, and 14 in this Order, and exceptions to the two-year statute of limitations to permit Student to pursue claims prior to December 30, 2023, are insufficiently plead 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). Student may also file an amended complaint if Issues 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 15 as described in this Order, do not reflect the claims Student intended to raise in the complaint, or if this Order does not identify an issue described in the complaint that Student intended raise.
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 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 15 as described in this Order, subject to clarification by the parties and the Administrative Law Judge at the prehearing conference and due process hearing.

Rommel P. Cruz

Rommel P. Cruz

Administrative Law Judge

Office of Administrative Hearings