BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

GLENDALE UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025120710

ORDER DETERMINING NON-EXPEDITED ISSUES IN DUE PROCESS COMPLAINT INSUFFICIENT

DECEMBER 23, 2025

On December 16, 2025, 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 Glendale Unified School District. OAH determined this matter included both expedited and non-expedited issues. On December 19, 2025, Glendale Unified filed a notice of insufficiency. On December 22, 2025, Student filed opposition to the notice of insufficiency.

Student alleged three issues in the complaint. Glendale Unified argued that all issues are insufficient because they are vague, confusing, lack facts, and appear to raise issues outside of OAH's jurisdiction.

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).

THE NOTICE OF INSUFFICIENCY IS TIMELY

The complaint is deemed sufficient unless a party notifies OAH and the other party in writing within 15 days of receiving the complaint that the party believes the complaint has not met the notice requirements. (20 U.S.C. § 1415(c)(2)(C); Ed. Code, § 56502, subd. (d)(1).) Glendale Unified filed the notice of insufficiency within 15 days of receiving the complaint. Thus, it is timely.

OAH TAKES NO ACTION AS TO ANY EXPEDITED CLAIMS

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 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 NOI process in expedited hearings. Thus, OAH takes no action on Glendale Unified's notice of insufficiency as to any expedited claims.

STUDENT NON-EXPEDITED ISSUES ARE INSUFFICIENT

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 ISSUE ONE

Student's issue one alleges:

"[Student} has been racial discriminated weekly since kindergarden and it has been consitently and promptly reported to GUSO executive leadership however, immediately allowing each evidenced complaint, retailiation occurs. On several occassions GUSD staff has given him monkey, primates, and gorilla books instead of allowing him to select a book, even requesting suspension because he cried after being refused breakfast before class began. He also was suspended for retreating under a desk when being verbally attacked by staff who reached under the desk to continue assaulting him."

It is unclear how the alleged racial discrimination and retaliation related to a free appropriate public education. Student's issue one does not include any facts, timeframe, or information related to a free appropriate public education, called FAPE, violation. As written, Student's issue one fails to provide Glendale Unified with the required problem description and facts related to the problem. Thus, Student's issue one related to any non-expedited issues is insufficient. Any allegation in Student's issue one that can be construed as non-expedited, the undersigned takes no action.

STUDENT'S ISSUE TWO

Student's issue two alleges:

"[Student's] parents were not called prior to suspension nor was parents notified during pickup, nor did parents receive documentation regarding the suspension until the suspension ended and the superintendent refused to meet virtually for me to contest the suspension. Due to all of the documented reports of mental and physical

abuse by GUSD staff, [Student] began receiving treatment from a psychologist to provide racial trauma therapy services. He was denied to have a sst meeting, although his parents were informed by another parent that a clandestine sst meeting was held without notice.

Student's issue two appears to have possibly some expedited and non-expedited issues. The undersigned takes no action related to the expedited issues. The non-expedited issues, specifically the allegations about an "sst" meeting and treatment for racial trauma therapy are not tied to any FAPE violation. Student failed to provide Glendale Unified with the required problem description and facts related to the problem, and how it denied Student a FAPE. Thus, the non-expedited issues in Student's issue two are insufficient.

STUDENT'S ISSUE THREE

Student's issue three alleges:

"When parent requested an IEP and 504 plan meetings, I was immediately informed that he was disenrolled although GUSD had documentation confirming that [Student] is eligible to continue as a student per the McKinney-Vento Homeless Assistance Act. [Student] has been denied the rights that are afforded to his non Black peers at GUSD. He was also participating in a GUSD raffle fundraiser and was notified in writing of the prizes for the winner and that he was the winner. He received no prizes and no refund although GUSD later advised in writing that he would receive a full refund for the raffle."

Student's issue three does not appear to have any expedited issues. Should Student's issue three be construed as having expedited issues, the undersigned takes no action related to the expedited issues. As to the non-expedited issues Student failed to

tie any of the allegations, specifically related to disenrollment and a school fundraiser, to any FAPE violation. Student fails to provide Glendale Unified with the required problem description and facts related to the problem, and how it denied Student a FAPE. Thus, Student's issue three related to any non-expedited allegations is insufficient.

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 issues one, two, and three, related to non-expedited issues, in Student's complaint are insufficiently pled under title 20 United States Code section 1415(c)(2)(D).
2. OAH takes no action related to any expedited issues in Student's complaint.
3. Student will be permitted to file an amended complaint under title 20 United States Code section 1415(c)(2)(E)(i)(II) related to all non-expedited issues raised in Student's issues one, two, and three, in the complaint.
4. 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. 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 the expedited issues.

IT IS SO ORDERED.

Cynthia Fritz

Cynthia Fritz

Administrative Law Judge

Office of Administrative Hearings