BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

WILLIAM S. HART UNION HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2026030672

ORDER DETERMINING DUE PROCESS COMPLAINT PARTIALLY SUFFICIENT

MARCH 18, 2026

On March 16, 2026, Student filed a due process hearing request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming William S. Hart Union High School District. On March 16, 2026, William S. Hart Union 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).

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 46540-46541, 46699.)

William S. Hart Union alleges Student's complaint it insufficient because it fails to specify a description of the nature of the problem or sufficient facts related to any of the 11 issues identified for hearing. Additionally, William S. Hart Union alleges Student

included issues that do not appear to relate to the proposed initiation or change concerning the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education, or FAPE.

Student alleges 11 claims in the complaint, some are sufficient and some are insufficient. The issues are discussed below. Student lists in the introduction that all the issues are under the broad category of a FAPE denial. Student also lists in a statement of facts section that the alleged actions occurred during the 2024-2025 and 2025-2026, school years.

Issue 1 alleges William S. Hart Union failed to file for due process when it was legally required to do so. Student lists the violations as failing to file for more than two years after an individualized education program, or IEP, team meeting despite disagreement. Student also explains that Student is overdue by more than a year for a three-year reevaluation. This gives William S. Hart Union enough information to understand the problem. Additionally, William S. Hart Union filed its own due process hearing request on March 16, 2026, with the sole issue that it be allowed to assess Student absent parental consent. William S. Hart Union is well aware of the history and facts related to the lack of consent for Student's IEPs and three-year reassessment. Issue 1 is sufficient.

Issue 2 alleges William S. Hart Union failed to provide Student properly trained and qualified special circumstance instructional assistance denying him necessary support. Student lists that the violations include that William S. Hart Union must provide services in the IEP, that related services must be appropriate and adequate, and services must be reasonably calculated to enable progress. Although there is not much information, there is enough for William S. Hart Union to understand the issue. Issue 2 is sufficient.

Issue 3 alleges William S. Hart Union repeatedly failed to respond to emails, requests, and concerns within reasonable timelines. Student does not list any additional information about what the emails, requests, or concerns involved. Student does not allege any of the communication failures involved IEPs or denied Student FAPE. Issue 3 is insufficient.

Issue 4 alleges William S. Hart Union failed to notify the parent of classroom activities, school events, and daily functioning, preventing meaningful participation. Similar to Issue 3, Student does not list any additional information. Student does not include how the communication failure relates to Student's identification, evaluation, or educational placement, or FAPE. As pled, Issue 4 does not give William S. Hart Union enough information to understand the issue. Issue 4 is insufficient.

Issue 5 alleges harassment and retaliation against Parent. Specifically that William S. Hart Union engaged in retaliatory actions, including harassment by staff, allowing or directing the school resource officer to follow, intimidate, or harass Parent, and actions that caused emotional harm to Student. Issue 5 does not include any facts, dates, or descriptions of the events. Student also fails to allege how the harassment and retaliation relates to Student's identification, evaluation, or educational placement, or FAPE. Issue 5 is insufficient.

Issue 6 alleges William S. Hart Union failed to provide required progress reports and report cards for the 2024–2025 school year. Student adds the supporting law that an IEP must include progress reporting and that districts must report progress as often as nondisabled peers. Although Student does not include any additional information, the allegation that William S. Hart Union failed to provide the required progress reporting for Student during the 2024-2025 school year is clear. Issue 6 is sufficient.

Issue 7 alleges William S. Hart Union failed to provide Student's community-based instruction schedule preventing Parent from understanding or monitoring services. Student includes the supporting law that a district must implement an IEP as written and services must be clearly described. Although Student does not include any additional information, the allegation that William S. Hart Union failed to provide Student's community-based instruction schedule is clear. Issue 7 is sufficient.

Issue 8 alleges William S. Hart Union allowed Student's aide to access private information without parental consent. Student does not include any additional facts regarding what the information was or how the aide accessed the information. Student does not allege how the disclosure relates to Student's identification, evaluation, or educational placement, or FAPE. As pled, Issue 8 does not give William S. Hart Union enough information to understand the issue. Issue 8 is insufficient.

Issue 9 alleges William S. Hart Union failed to investigate or respond to uniform complaint procedure complaints. Similar to Issue 8, Student does not include any additional facts regarding the alleged failure to investigate. Student does not allege how the failure relates to Student's identification, evaluation, or educational placement, or FAPE. As pled, Issue 9 does not give William S. Hart Union enough information to understand the issue. Issue 9 is insufficient.

Issue 10 alleges William S. Hart Union segregated students with disabilities, violating the requirement for education in the least restrictive environment. Student does not provide any additional information regarding how or when this happened. Additionally, this issue appears to be a general complaint about William S. Hart Union, not an allegation specific to Student. As pled, Issue 10 does not give William S. Hart Union enough information to understand the issue. Issue 10 is insufficient.

Issue 11 alleges William S. Hart Union issued prior written notices that omitted facts, misrepresented events, or failed to include required elements. However, Student does not identify what prior written notices he alleges are deficient or when they were sent. As pled, Issue 11 does not give William S. Hart Union enough information to understand the issue. Issue 11 is insufficient.

Student's proposed resolutions request a three-year reevaluation, an aide, compensatory education, a corrected prior written notice, a retaliation and harassment investigation, progress reports, and an IEP team meeting. 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).) The proposed resolution stated in Student's complaint are not well-defined and some of them are requests OAH cannot order. However, Student has met the statutorily required standard of stating a resolution to the extent known and available to him at the time.

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. Issues 1, 2, 6, and 7 of Student's complaint are sufficient under title 20 United States Code section 1415(b)(7)(A)(ii).
2. Issues 3, 4, 5, 8, 9, 10, and 11 of 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 1, 2, 6, and 7 in Student's complaint.

Linda Dowd

Linda Dowd

Administrative Law Judge

Office of Administrative Hearings