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 2025090038

ORDER DETERMINING DUE PROCESS COMPLAINT INSUFFICIENT

SEPTEMBER 22, 2025

On August 29, 2025, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Stockton Unified School District. On September 17, 2025, Stockton filed a Notice of Insufficiency, called an NOI, as to the complaint. Student did not file a response.

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 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); 34 C.F.R. § 300.508(d)(1); Ed. Code, § 56502, subd. (d)(1).)

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.)

DISCUSSION

Stockton timely filed the NOI. The proof of service attached to Student's complaint indicated the complaint was served on August 29, 2025, by first class mail. Stockton asserted in its NOI that it did not receive the complaint until September 2, 2025. Student did not file a response. Accordingly, Stockton timely filed the NOI on September 17, 2025.

Student's complaint contains two sections that may include issues for hearing, entitled "Issues Presented," listing seven issues, and "Legal Bases," listing eight additional issues or assertions. Student's complaint does not reconcile these two sections. For example, the first assertion in Student's "Legal Bases" section alleges Stockton "violated its child find duties." The first issue in the "Issues Presented" section alleges a failure to "evaluate"; however, it does not expressly assert a child find violation. Therefore, it is unclear whether Student intends these as two separate issues or not. It is ultimately unclear if the legal bases serve to support the issues, such that Student intends seven issues for hearing, or if they are separate legal issues for hearing, and Student intends to litigate some or all of the legal bases as separate issues, such that there may be 15 issues for hearing.

The complaint provides sufficient 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.) As described on OAH's website, the IDEA requires the Request for Due Process Hearings, Complaint, to include, in relevant part: "a description of the

nature of the problem of the child relating to such proposed initiation or change, including facts relating to such problem." (20 U.S.C. § 1415(b)(7)(A)(ii)(III).)

Here, the complaint fails to identify with sufficient specificity the issues Student intends to litigate. Student fails to sufficiently allege whether she intends to litigate issues from one of the two above referenced sections, from both, or some combination of the two.

ORDER

1. Student's complaint is insufficiently pled under section title 20 United States Code 1415(c)(2)(D).
2. Student shall be permitted to file an amended complaint under title 20 United States Code section 1415(c)(2)(E)(i)(II).
3. 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.
4. If an amended complaint is filed, it must clearly identify which issues Student intends to litigate in a single section.

5. If Student fails to file a timely amended complaint, the complaint will be dismissed.
6. All dates previously set in this matter are vacated.

IT IS SO ORDERED.

Daniel Senter

Daniel Senter

Administrative Law Judge

Office of Administrative Hearings