BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

ACHIEVE KIDS, HAYWARD TWIN OAKS MONTESSORI, AND HAYWARD UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025090945

ORDER DETERMINING DUE PROCESS COMPLAINT INSUFFICIENT AS TO HAYWARD TWIN OAKS MONTESSORI

OCTOBER 10, 2025

On September 25, 2025, Parent on behalf of Student filed a due process hearing request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Achieve Kids, Hayward Twin Oaks Montessori, and Hayward Unified School District. On October 8, 2025, Hayward Twin Oaks Montessori, called Hayward Twin Oaks, 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, 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 Individuals with Disabilities Education Act, called 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 IDEA affords parents and local educational agencies the procedural protection of an impartial due process hearing with respect to any matter relating to the identification, assessment, or educational placement of the child, or the provision of a FAPE to the child. (20 U.S.C. § 1415(b)(6) & (f); 34 C.F.R. § 300.511; Ed. Code, §§ 56501, 56502, and 56505; Cal. Code Regs., tit. 5, § 3082.) Special education due process hearing procedures extend to the parent or guardian, to the student in certain circumstances, and to "the public agency involved in any decisions regarding a pupil." (Ed. Code, § 56502, subd. (a).)

A "public agency" is defined as "a school district, county office of education, special education local plan area, a nonprofit public charter school that is not otherwise included as a local educational agency, or any other public agency under the auspices of the state or any political subdivisions of the state providing special education or related services to individuals with exceptional needs." (Ed. Code, §§ 56500 and 56028.5.) California law places the primary responsibility for providing special education to eligible children on the local educational agency, usually the school district in which the parents of the child reside. (See, e.g., Ed. Code, §§ 48200, 56300, 56340 [describing local educational agency responsibilities], and 56344, subd. (c).) A local educational agency may contract with another public agency to provide special education and related services to an individual with exceptional needs. (Ed. Code, § 56369.)

Student's 57-page complaint contains four issues with multiple subparts. Hayward Twin Oaks alleges the issues are insufficiently pled because they fail to allege specific facts to put it on notice as to the allegations against it. As specified in more

detail below, the complaint fails to allege how Hayward Twin Oaks denied Student a FAPE. The complaint generally challenges the adequacy of Student's individualized education programs, called IEPs, from September 2023, through the date Student filed the due process complaint. The complaint alleges the "respondent failed" to timely assess Student in all areas of suspected disability. It further alleges the IEPs offered during this period failed to offer:

- accurate adequate present levels;
- adequate goals in all areas of needs;
- positive behavioral interventions; and
- sufficient related services, such as speech and language, occupational therapy, and behavior supports.

The complaint alleges Parent was denied the opportunity to meaningfully participate in the development of Student's IEPs. Finally, the complaint alleges Student's IEPs were not materially implemented during the statutory period.

As pled, the complaint fails to put Hayward Twin Oaks on notice of the claims against it, namely which issues apply to Hayward Twin Oaks, the relevant time frame, and facts describing how Hayward Twins Oak denied Student a FAPE. All allegations against Hayward Twin Oaks are combined with assertions of actions and omissions by Achieve Kids. The complaint does not allege any specific facts that Hayward Twin Oaks was involved in any decision regarding Student's educational program, if it developed the challenged IEPs, the date or school years of the IEPs at issue, or the relationship, if any, between the named parties. The complaint does not allege facts suggesting Hayward Twin Oaks was responsible for Student's educational program and related services from September 2023 to the date the complaint was filed. A party must not be made to guess which facts are related to each issue, or which issue is being alleged

against it. Further, the complaint combines the named respondents as to many of the issues, although only one local educational agency at a time is responsible for offering Student a FAPE.

Issue 1, subparts (a) (b), (c), (d) and (e) allege the district and Achieve Kids failed to:

- timely assess Student in all areas of suspected disability;
- conduct legally compliant assessments;
- conduct comprehensive assessments;
- conduct a functional behavioral assessment; and
- fund independent educational evaluations at public expense.

Issue 1, subparts (a), (b), (c), (d) and (e) are insufficiently pled for Hayward Twin Oaks to investigate Student's claim he was not timely or appropriately assessed in all areas of suspected disability or that it failed to fund independent educational evaluations at public expense. For example, the complaint does not state Hayward Twin Oaks was the responsible local educational agency and for which time frame. The complaint is silent as to the specific dates or school years in which Student contends Hayward Twin Oaks failed to timely or appropriately assess Student and/or when Student requested independent educational evaluations. Issue 1, subparts (a), (b), (c), (d) and (e) lack sufficient facts about the problem to permit Hayward Twin Oaks to respond and participate in a resolution session and mediation and prepare for hearing. Issue 1, subparts (a), (b), (c), (d) and (e) are insufficiently pled.

Issue 2, subparts (a), (b), and (c) are insufficiently pled for failure to state specific facts explaining how Hayward Twin Oaks denied Student a FAPE. Issue 2, subparts (a), (b), and (c) challenge the goals, lack of behavioral supports, and related services in IEPs

developed for Student starting in September 2023. As with Issue 1, the complaint fails to allege that Hayward Twin Oaks was the local educational agency responsible for providing Student a FAPE and for what period. The complaint is devoid of facts suggesting Hayward Twin Oaks developed the challenged IEPs, the dates of the IEPs or the school years in which they were developed, or facts explaining how Hayward Twin Oaks denied Student a FAPE. Issue 2, subparts (a), (b), and (c) contain insufficient facts about the problem to permit Hayward Twin Oaks to respond and participate in a resolution session and mediation and prepare for hearing. Issue 2, subparts (a), (b), and (c) are insufficiently pled.

Issue 3 alleges the "respondents" denied Student a FAPE by failing to materially implement Student's IEPs since September 2023. The complaint lacks facts establishing Hayward Twin Oaks was responsible for providing Student a FAPE, and during which period or school year. The complaint contains no facts explaining how or when Hayward Twin Oaks failed to implement Student's IEP. For example, it does not describe which IEP Hayward Twin Oaks failed to implement and which services were not implemented. Issue 3 contains insufficient facts about the problem to permit Hayward Twin Oaks to respond and participate in a resolution session and mediation and prepare for hearing. Therefore, Issue 3 is insufficiently pled.

Issue 4, subparts (a) and (b) allege the "respondents" denied Parent's meaningful participation in IEPs developed from September 2023, through the date Student filed the complaint, predetermined Student's placement, and failed to provide Student prior written notices of decisions affecting Student's educational program. As with Issues 1 through 3, the complaint fails to state facts alleging Hayward Twin Oaks was the responsible local educational agency and for which time frame or school year. The complaint contains no specific facts alleging how Hayward Twin Oaks denied Parent's

meaningful participation in development of Student's educational program and during which school year or IEP. Issue 4, subparts (a) and (b) contain insufficient facts about the problem to permit Hayward Twin Oaks to respond and participate in a resolution session and mediation and prepare for hearing. Therefore, Issue 4, subparts (a) and (b) are insufficiently pled.

ORDER

1. Student's complaint is insufficiently pled as to Hayward Twin Oaks under title 20 United States Code section 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). 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.
3. If Student fails to file a timely amended complaint, the complaint will be dismissed as to Hayward Twin Oaks and the matter shall proceed as currently scheduled only as to Achieve Kids and Hayward Unified School District.

IT SO ORDERED.

Jennifer Kelly

Jennifer Kelly
Administrative Law Judge
Office of Administrative Hearings