BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

ORANGE COUNTY ACADEMY OF SCIENCES AND ART AND ORANGE COUNTY DEPARTMENT OF EDUCATION.

OAH CASE NUMBER 2026051110

AMENDED ORDER DETERMINING DUE PROCESS COMPLAINT INSUFFICIENT

JUNE 10, 2026

On May 27, 2026, 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 Orange County Academy of Sciences and Art and Orange County Department of Education. On June 5, 2026, Orange County Academy of Sciences, referred to as, Orange County Academy, filed a Notice of Insufficiency as to the complaint.

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).

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

Student's complaint appears to allege three issues, none of which are sufficiently pled. The complaint has a lengthy factual history yet does not clearly define the issues. There are two sections enumerated VI. Student's complaint fails to identify sufficient facts to put respondents on notice of the allegations against them, the particular school years and IEPs Student alleges denied her a FAPE.

Orange County Academy argues that the complaint does not describe the nature of the problems alleged against it with sufficient specificity. Although the complaint is lengthy, it lacks factual allegations describing how Student was denied a FAPE. The complaint fails to identify the operative IEP, what was required and what respondents failed to provide. Orange County Academy also argues that the complaint fails to clearly state which allegations are attributed to Orange County Academy as distinguished from Orange County Department of Education.

Issue one is insufficiently pled to put respondents on notice as to the basis of Student's claim. Student alleges that the March 10, 2026, triennial psychoeducation assessment was inadequate and failed to evaluate all of Student's disabilities. The complaint does not identify which respondent conducted the assessment. With reference to the March 10, 2026, triennial psychoeducation assessment, Student uses both the terms "school" and "district" interchangeably. Therefore, Issue one is insufficiently pled.

Student's complaint contains two additional issues, both of which are insufficiently pled. Student alleges a "failure to make progress (denial of FAPE)" and

"denial of extracurricular activities". It is unclear for what time period and under what IEP Student is alleging she was denied a FAPE. The allegations do not adequately describe the problems and how they relate to the proposed change regarding Student's identification, evaluation or educational placement, or providing Student a FAPE. The issues also do not differentiate among the two respondents. To the extent Student intended to plead any additional claims for relief before OAH, the claims are insufficiently pled.

Should Student file an amended complaint, she is instructed to include a single section that identifies all issues alleged. Additionally, those issues should clearly delineate which issue or issues is alleged against which respondent.

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. The filing of the amended complaint will restart the applicable timelines for a due process hearing.
4. If Student fails to file a timely amended complaint within 14 days of the date of this order, the complaint will be dismissed.

5. All dates previously set in this matter are vacated.

IT IS SO ORDERED.

Katherine Roe
Katherine Roe (Jun 10, 2026 14:24:30 PDT)

Katherine Roe

Administrative Law Judge

Office of Administrative Hearings