BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

MODESTO CITY SCHOOLS.

OAH CASE NUMBER 2026010865

ORDER DETERMINING DUE PROCESS COMPLAINT INSUFFICIENT

FEBRUARY 4, 2026

On January 23, 2026, Parents, on behalf of Student, filed a Due Process Hearing Request, also called a complaint, with the Office of Administrative Hearings, called OAH, naming Modesto City School as respondent. Parents also filed an attachment to the complaint on January 23, 2026. On February 2, 2026, Modesto City Schools 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 party has the right to file a notice asserting a complaint is insufficient within 15 days of receiving a request for due process hearing. (20 U.S.C. § 1415 (c)(2)(C); 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 Individuals with Disabilities Education Act, or 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.] 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 Fed. Reg. 46541, 46699.)

COMPLAINT INSUFFICIENT

Parents' form complaint, and attachment, reference multiple students in a single complaint. OAH requires that a separate complaint be filed for each student. Each Student is unique, and the complaint filed for that Student must include claims pertaining only to the individual Student's special education program.

Student's complaint also fails to include facts pertaining to the claims alleged. There are no dates to show when the alleged problems with Student's educational program occurred. There are no dates indicating which IEPs Student is claiming are deficient or which years assessments were not provided. The lack of facts related to the claims alleged, coupled with the fact claims are written as though they may pertain to multiple students, results in this complaint being fatally flawed. The complaint, as written, does not give Modesto adequate notice of the claims alleged against it to prepare for resolution, mediation or hearing.

MEDIATOR ASSISTANCE FOR NON-REPRESENTED PARENTS

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 complaint is insufficiently pled under section 1415(c)(2)(D) of title 20 of the United States Code.
2. Student shall be permitted to file an amended complaint under section 1415(c)(2)(E)(i)(II), of title 20 of the United States Code.

3. The amended complaint shall comply with the requirements of section 1415(b)(7)(A)(ii), of title 20 of the United States Code.
4. The amended complaint must be filed no later than 14 days from the date of this order.
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.

Penelope Pahl

Penelope S. Pahl
Administrative Law Judge
Office of Administrative Hearings