BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

SIERRA SANDS UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025080030

ORDER DETERMINING DUE PROCESS COMPLAINT INSUFFICIENT

AUGUST 14, 2025

On July 29, 2025, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Sierra Sands Unified School District.

On August 4, 2025, Student filed a motion to amend his complaint, but did not include a first amended complaint. Sierra Sands opposed that motion.

On August 8, 2025, OAH denied Student's motion to amend, and preserved the July 29, 2025 complaint as the operative complaint in this matter.

On August 13, 2025, Sierra Sands timely filed a Notice of Insufficiency as to the July 29, 2025, complaint. In addition to asserting Student's complaint failed to meet legal sufficiency requirements, Sierra Sands also asserts that Student's claims "are likely barred by a June 6, 2024, Settlement Agreement." Sierra Sands's arguments related to the applicability of a settlement agreement are not properly brought through a Notice of Insufficiency, and are not addressed through this Order.

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 46540-46541, 46699.)

DISCUSSION

Student's complaint alleges three insufficiently pled claims. The complaint fails to provide Sierra Sands with the required problem description and the facts relating to the problem. Each insufficiently pled claim is discussed below. Student's complaint included his allegations in all capital letters, but the undersigned has quoted them in sentence case for ease of reading.

With respect to Issue One, Student alleges the following: "Repeated refusal to acknowledge and act on an active assessment plan dated 11/30/2023 and signed by Parent on 12/30/2023. Repeated attempts by Amy Self at coercing Parent into signing a falsified legal document in exchange for assessment initiation."

Student's Issue One is insufficiently pled. Student does not provide Sierra Sands with an awareness and understanding of the issues forming the basis of the complaint. For example, Student does not explain how Sierra Sands allegedly failed to "acknowledge and act" on an assessment plan. Additionally, Student fails to allege any

facts to support or explain this claim. Accordingly, Student's Issue One is insufficiently pled.

With respect to Issue Two, Student alleges the following: "Refusal to acknowledge (sic), collaborate with Parent, or initiate the parental request for private assessors to complete all outstanding assessment from assessment plan date 11/30/2023 and signed by Parent 12/13/2023, and new assessments."

Student's Issue Two is insufficiently pled and does not provide Sierra Sands with an awareness and understanding of the issues forming the basis of the complaint. For example, Student does not explain which assessments are at issue. Student refers to assessments allegedly contained in a November 30, 2023, assessment plan, but then also alleges unspecified "new assessments." Thus, Student's complaint is impermissibly vague. Student also fails to allege any facts to support or explain this claim. Accordingly, Student's Issue Two is insufficiently pled.

With respect to Issue Three, Student alleges the following: "Refusal to provide information on several inquiries related to the Student and the Students (sic) educational path and record, Parental complaints, complaint point of contacts, educational path, and records, etc. See attached pending inquiries."

Student's Issue Three is insufficiently pled and does not provide Sierra Sands with an awareness and understanding of the issues forming the basis of the complaint. Student does not explain or adequately describe the "several inquiries" at issue. Student did not include a list of "pending inquiries" to his complaint. Student again fails to allege any facts to support or explain this claim. Accordingly, Student's Issue Three is insufficiently pled.

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 resolutions stated in Student complaint are not well-defined. However, Student has met the statutorily required standard of stating a resolution to the extent known and available to him at the time.

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

IT IS SO ORDERED.

Ashok Pathi

Ashok Pathi
Administrative Law Judge
Office of Administrative Hearings