BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

TWIN RIVERS UNIFIED SCHOOL DISTRICT AND

HERITAGE PEAK CHARTER SCHOOL.

OAH CASE NUMBER 2026010019

ORDER DETERMINING DUE PROCESS COMPLAINT ISSUE ONE INSUFFICIENT

APRIL 6, 2026

On December 31, 2025, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Twin Rivers Unified School District, and Heritage Peak Charter School. On March 22, 2026, Student filed an Amended Due Process Hearing Request, naming the same parties. On April 2, 2026, Twin Rivers and Heritage Peak jointly 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).

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); 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.)

The two year-statute of limitations in Student's complaint runs from December 31, 2023, through December 31, 2025. Student's amended complaint alleges one issue insufficiently pled.

Issue One alleges that Twin Rivers and Heritage Peak denied Student a free appropriate public education, called FAPE, during the 2022-2023 school year by failing its child find obligation. The complaint fails to provide Twin Rivers and Heritage Peak with the required problem description and the facts relating to the problem. Specifically, Issue One fails to allege an exception to the two-year statute of limitation, fails to allege facts to support an exception to the two-year statute of limitations, and fails to allege which local education agency is responsible for such exception to the two-year statute of limitations. As such, Issue One is insufficiently pled.

Issues Two through five were not challenged and remain sufficiently pled to put Twin Rivers and Heritage Peak on notice as to the basis of Student's claims.

ORDER

1. Issues two through five of Student's complaint are sufficient under title 20 United States Code section 1415(b)(7)(A)(ii).
2. Issue One of Student's complaint is insufficiently pled under title 20 United States Code section 1415(c)(2)(D).
3. Student shall be permitted to file an amended complaint under title 20 United States Code section 1415(c)(2)(E)(i)(II).

4. 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.
5. If Student fails to file a timely amended complaint, the hearing shall proceed only on Issues two through five in Student's complaint.

Judith Pasewark

Judith Pasewark

Administrative Law Judge

Office of Administrative Hearings