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 THIRD AMENDED DUE PROCESS COMPLAINT INSUFFICIENT

APRIL 6, 2026

On April 2, 2026, Student filed a Third Amended Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Modesto City Schools. In addition to OAH's complaint form that included three issues, Student filed an eight-page attachment that includes fifteen sections. On April 3, 2026, Modesto filed a Notice of Insufficiency as to the third amended complaint.

Student filed two previous due process hearing requests that were both deemed insufficient.

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

The form complaint includes three issues that are insufficiently pled. Issue one challenges the failure to provide consistent access to Student's ACC device and asserts there have been inaccurate IEP's with over two-year-old assessment date despite regression. The timeframe is unclear, no IEP dates are included, and it is unclear what IEP inaccuracies Student is asserting. This is insufficiently pled.

Issue two asserts Modesto failed to assess Student in all areas of suspected disability, including behavior, ACC, occupational therapy, neuropsychological, and academic functioning. No date or school year for when Student alleges these assessments should have been conducted was included. Additionally, the issue also asserts Modesto failed to provide timely supports such as a one-to-one aide, behavioral interventions, and appropriate supervision. Again, no date or school year for when Student required these supports and services was included. This issue is insufficiently pled.

Issue three asserts that Student was placed at a school against parental concern where Student experienced regression, emotional distress, and physical harm. The issue further alleges that Modesto failed to ensure a safe and appropriate placement, failed to respond to physical harm, and failed to consider a or offer a more appropriate placement. Finally, the issue asserts Modesto to unilateral action to remove Student from Modesto twice, interfered with stay-put, confidentiality, IDEA, and parental rights during educational and emotional crises. No dates or school years are alleged for any of these contentions. This issue is insufficiently pled.

As noted, Student again included an eight-page, fifteen section supplemental document titled Amended Complaint. The confusion created by Student using the OAH complaint form that includes issues and also submitting an attachment that contains factual and legal contentions was directly addressed in the March 18, 2026, Notice of Insufficiency. In that Notice, the undersigned ordered, "[t]he Third Amended Complaint must allege all issues for hearing in a single document." Student disregarded that order and again included both OAH's complaint with issues and also a separate amended complaint.

The order also strongly encouraged Student to utilize OAH's mediator assistance, at no cost, to draft the third amended complaint. Student did not. At this juncture, continuing to submit insufficiently pled complaints is an abuse of judicial resources. Accordingly, OAH is appointing a mediator to assist in drafting a single, sufficiently pled complaint. A mediator will contact Parent. If Parent declines to utilize the mediator's assistance, and submits a Fourth Amended Complaint without all issues alleged in a single complete document, with a clearly identified section for Issues, that include specificity for the school years and IEP's challenged, it will be rejected and the case dismissed.

ORDER

1. Student's Third Amended Complaint is insufficiently pled under section title 20 United States Code 1415(c)(2)(D).
2. OAH will appoint a mediator who will contact Parent to assist in drafting a Fourth Amended Complaint.
3. Student shall be permitted to file a Fourth Amended Complaint under title 20 United States Code section 1415(c)(2)(E)(i)(II), only if Parent utilizes the no-cost mediator assistance.

4. The Fourth Amended Complaint must be a single document that includes one Issues section asserting all Student's claims. Student cannot put issues in OAH's complaint form and also include an attachment with other issues. For each issue alleged in that section, Student must include the dates, school years, and IEP's being challenged. The complaint shall comply with all other 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.
5. If Student fails to utilize mediator assistance and file a timely amended complaint, the complaint will be dismissed.
6. All dates previously set in this matter are vacated.

IT IS SO ORDERED.

Joy Redmon

Joy Redmon
Presiding Administrative Law Judge
Office of Administrative Hearings