BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

TAHOE TRUCKEE UNIFIED SCHOOL DISTRICT AND

SIERRA EXPEDITIONARY LEARNING SCHOOL.

OAH CASE NUMBER 2026070862

ORDER DETERMINING DUE PROCESS COMPLAINT INSUFFICIENT

AUGUST 24, 2026

On July 20, 2026, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Tahoe Truckee Unified School District and Sierra Expeditionary Learning School. On July 24, 2026, Sierra Expeditionary filed a motion to dismiss or, in the alternative, a notice of insufficiency. On July 27, 2026, Tahoe Truckee filed a notice of insufficiency or, in the alternative, a motion to dismiss.

On July 27, 2026, Student filed an opposition to respondents' notices of insufficiency and an opposition to respondents' motions to dismiss. On July 28, 2026,

Student filed a second opposition to respondents' notices of insufficiency and a second opposition to respondents' motions to dismiss. On July 28, 2026, OAH granted the Notice of Insufficiency, vacated all dates, and gave Student 14 days to file a sufficient Complaint.

On August 4, 2026, Student filed an amended complaint against Tahoe Truckee and Sierra Expeditionary. On August 12, 2026, Sierra Expeditionary filed a motion to dismiss. On August 18, 2026, Tahoe Truckee filed a motion to dismiss, and on August 19, 2026, a separate notice of insufficiency. Student has filed opposition briefing to all motions filed by Tahoe Truckee and Sierra Expeditionary.

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 alleges two insufficiently pled claims. Student's claims are not sufficiently pled because Student does not allege a violation of the IDEA. Student's Complaint specifically states that Student is not a disabled child who has never been assessed for special education eligibility and who does not have an individualized education plan. The fact that Parent does not want Student to be assessed for initial eligibility is not a claim that OAH has jurisdiction over. The allegation that Tahoe Truckee and Sierra Expeditionary have not offered Student an educational placement with their older sibling because of the dispute in OAH Case No. 2026050505 involving the older sibling and Tahoe Truckee and Sierra Expeditionary is not a claim for which OAH has jurisdiction.

Because of the facts alleged in Student's complaint and amended complaint cannot arise to be a denial of FAPE or violation of the IDEA that OAH has jurisdiction to hear, OAH dismisses Student's case without leave to amend. (See *G.D. v. Morazzini* (N.D. Cal. Aug. 7, 2026, Case No. 5:26-cv-01672-EJD) 2026 WL 2283558, *7, "Given the inescapable standing deficiencies at this time, the Court finds amendment futile and dismisses all claims without leave to amend. [FN Omitted], *Lopez v. Smith*, 203 F.3d 1122, 1127 (9th Cir. 2000).")

ORDER

1. Student's complaint is insufficiently pled under section title 20 United States Code 1415(c)(2)(D).
2. Student is not permitted to file an amended complaint under title 20 United States Code section 1415(c)(2)(E)(i)(II).
3. Student's complaint is dismissed and the case closed against both Tahoe Truckee and Sierra Expeditionary.
4. All dates previously set in this matter are vacated and Tahoe Truckee's and Sierra Expeditionary's motions to dismiss are moot.

IT IS SO ORDERED.

Peter Paul Castillo

Peter Paul Castillo
Division Chief Administrative Law Judge
Office of Administrative Hearings