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 SECOND AMENDED DUE PROCESS COMPLAINT INSUFFICIENT

MARCH 18, 2026

On January 23, 2026, Parents filed a Due Process Hearing Request, also called a complaint, with the Office of Administrative Hearings, called OAH, naming Modesto City Schools as respondent. Parents also filed an attachment. On February 2, 2026, Modesto filed a Notice of Insufficiency as to the complaint. On February 4, 2026, OAH determined Student's complaint insufficient and granted leave to amend. Later that day, Parents filed an amended complaint and an attachment. On February 19, 2026, Modesto filed a Notice of Insufficiency to Student's First Amended Complaint. On February 24, 2026, OAH determined the First Amended Complaint insufficient and Student was again granted leave to amend.

On March 10, 2026, Student filed a Second Amended Complaint and another attachment. On March 13, 2026, Modesto filed a Notice of Insufficiency to Student's Second Amended 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).

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.)

DISCUSSION

Modesto argues Student's Second Amended Complaint is insufficient because it provides vague assertions, general conclusions, and fails to include sufficient description of the nature of the alleged problems, fails to include sufficient factual background, and fails to identify specific dates. Additionally, Modesto claims it is unsure if the document accompanying Student's Second Amended Complaint is asserting additional facts related to the claims in the form complaint, or if the document is attempting to state additional claims.

Student used OAH's optional complaint form identifying three issues for hearing. The document specifies, "[a]attached is an optional form template that you may use to request a due process hearing…This request is also called a 'Complaint.." Accordingly, the problems listed therein are considered Student's issues for hearing. Those issues are insufficiently pled because, among other things, they lack school years and IEP dates rendering the complaint vague. The only dates included in Problem or Complaint Number 2 specify, "Dec 2 & Oct 2026," dates that have not yet occurred.

Student also filed a seven-page document titled, "Second Amended due Process Complaint." It includes fourteen sections. It is unclear whether Student intends to raise new issues in this document or if it is supplemental facts supporting the claims raised in the form complaint. Either way, it does not resolve the insufficiency.

Student has been provided two opportunities to amend the complaint and remedy the insufficiencies. That has not happened. As noted in the prior orders, 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.) At this point, OAH strongly encourages Parents to utilize mediator assistance to draft a sufficiently pled complaint. Parents should contact OAH for assistance if they intend to amend their due process hearing request. Regardless, should Parents file a Third Amended Complaint, they are ordered to file a single document that includes all issues for hearing and facts supporting those claims. Parents shall not include issues in the form complaint and in a separate supplemental document.

ORDER

1. Student's Second Amended Complaint is insufficiently pled under section title 20 United States Code 1415(c)(2)(D).
2. Student shall be permitted to file a Third Amended Complaint under title 20 United States Code section 1415(c)(2)(E)(i)(II).
3. The Third Amended Complaint must allege all issues for hearing in a single document and 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. Student is strongly encouraged to reach out to OAH to provide mediator assistance at no cost to draft the Third Amended Complaint.
5. If Student fails to file a timely amended complaint, the matter 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