

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

RESCUE UNION ELEMENTARY SCHOOL DISTRICT,
BUCKEYE UNION SCHOOL DISTRICT, AND
EL DORADO COUNTY OFFICE OF EDUCATION.

OAH CASE NUMBER 2026060871

ORDER DETERMINING DUE PROCESS COMPLAINT
SUFFICIENT

JULY 6, 2026

On June 17, 2026, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Rescue Union Elementary School District, Buckeye Union School District, and El Dorado County Office of Education. On July 2, 2026, Buckeye Union filed a Notice of Insufficiency as to the 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

Student's complaint alleges that Student resides within Rescue Union, and attended Valley View Charter Montessori School, a program housed within the El Dorado County of Education, which is a dependent charter school of Buckeye Union.

STUDENT'S ISSUES ARE AS FOLLOWS:

During the 2025-2026 school year the Respondents [Rescue Union, Buckeye Union, and El Dorado County,] denied Student a free appropriate public education by:

1. failing to appropriately assess and make Student eligible for special education;
2. failing to offer and provided an appropriate placement, services and goals to address Student needs in communication;
3. impeding parental participation at the April 17, 2026, individualized education program team meeting by predermining Student's offer of placement and services;
4. failing to materially implement Student's individualized education program by not providing speech and language services;

5. failing to provide legally compliant prior written notice on April 17, 2026; and
6. failing to conduct a legally sufficient speech and language evaluation.

Buckeye Union contends that the reference to the Respondents as a whole, rather than delineating which educational agency Student is charging with violation, renders the complaint vague and prevents Buckeye Union from deciphering which, if any, of Student's issues, relate specifically to Buckeye Union. Student's complaint, however, specifically identifies claims describing each of the educational agencies as individual entities; delegates responsibility for Buckeye Union's alleged violations, and provides specific dates, and events to provide Buckeye Union with the requisite notice to prepare for resolution session, mediation and hearing.

The facts alleged Student's complaint are sufficient as to Buckeye Union. Student's complaint identifies the issues and adequate facts about the problem to permit Buckeye Union to respond and participate in a resolution session and mediation.

Further, this ALJ concurs with the reasoning in the Notice of Sufficiency issued June 20, 2026, on Rescue Mission's companion Notice of Sufficiency. Specifically, the clarity, and not the factual accuracy of Student's allegations, are the only inquiry on a notice of insufficiency. The allegations in Student's complaint are clear and therefore, Student's statement of the six issues, is sufficient.

ORDER

1. The complaint is sufficient under title 20 United States Code section 1415(b)(7)(A)(ii).

2. All mediation, prehearing conference, and hearing dates in this matter are confirmed.

IT IS SO ORDERED.

Judith Pasewark

Judith Pasewark

Administrative Law Judge

Office of Administrative Hearings