

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

ORANGE COUNTY ACADEMY OF SCIENCES AND ARTS, EL
DORADO COUNTY CHARTER SELPA, AND EL DORADO COUNTY
OFFICE OF EDUCATION.

OAH CASE NUMBER 2026051110

ORDER DETERMINING DUE PROCESS COMPLAINT
INSUFFICIENT, NOTICE OF NO ACTION REGARDING
STUDENT'S JULY 3, 2026, DUE PROCESS COMPLAINT, AND
DETERMINING RESPONDENTS' MOTION TO DISMISS
MOOT

JULY 8, 2026

On May 27, 2026, Parent on Behalf of Student filed a Due Process Hearing
Request, called a complaint, with the Office of Administrative Hearings, referred to as

OAH, naming Orange County Academy of Sciences and Art and Orange County Department of Education.

On June 5, 2026, Orange County Academy filed a Notice of Insufficiency as to the complaint. On June 9, 2026, OAH determined that Student's complaint was insufficiently pled. The order pre-authorized Student to file an amended complaint within 14 days. Student was specifically instructed to include a single section that identifies all issues alleged and clearly delineate which issue or issues is alleged against which respondent.

On June 14, 2026, Student filed a first amended complaint, naming Orange County Academy of Sciences and Art and the El Dorado County Charter Special Education Local Plan Area, called a SELPA. Orange County Department of Education was no longer a named respondent.

On June 23, 2026, Student filed a second amended complaint alleging claims against a new respondent, El Dorado County Office of Education. The body of the complaint indicated that Student was still bringing claims against El Dorado County Charter SELPA. On June 24, 2026, OAH granted Student's motion to amend. On June 25, 2026, Orange County Academy of Sciences and Arts and El Dorado County Charter SELPA filed a joint motion for reconsideration of the June 24, 2026, order.

On June 30, 2026, OAH granted respondents' request for reconsideration and confirmed the order granting motion to amend and no action on notice of insufficiency. On July 3, 2026, Orange County Academy of Sciences and Arts, El Dorado Charter SELPA, and El Dorado County Office of Education filed a joint notice of insufficiency as to Student's second amended due process complaint.

STUDENT'S SECOND DUE PROCESS COMPLAINT INSUFFICIENT

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.)

Student's second amended complaint does not remedy the deficiencies identified in the June 10, 2026, order, which required Student to include a single section that identifies all issues alleged. Additionally, those issues should clearly delineate which issue or issues is alleged against which respondent.

The complaint has a lengthy factual history yet does not clearly define the issues. There are still two sections enumerated VI. The allegations do not adequately describe the problems and how they relate to the proposed change regarding Student's identification, evaluation or educational placement, or providing Student a FAPE. The issues also do not differentiate between the two respondents. Student's second amended complaint fails to identify sufficient facts to put respondents on notice of the allegations against them, the particular school years for each issue and the IEPs Student alleges denied her a FAPE. Therefore, Student's second amended complaint is insufficient.

NO ACTION REGARDING STUDENT'S REQUEST FOR DUE PROCESS HEARING, DATED JULY 3, 2026

On July 3, 2026, Student filed a Request for Due Process Hearing, Notice of Representation. Student did not file a Motion to Amend and no amended complaint had been preauthorized by OAH.

An amended complaint may be filed when the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or when the hearing officer grants permission. The hearing officer may grant permission at any time more than five days before the due process hearing. (20 U.S.C. §

1415(c)(2)(E)(i).) Anytime a party seeks to amend the complaint, a motion to amend must be filed with the amended complaint absent preauthorization from OAH.

The OAH order dated June 24, 2026, specifically reminded the parties that a separate motion to amend must be filed with an amended complaint. Here, Student did not have preauthorization from OAH to file an amended complaint and did not submit a motion to amend. Absent preauthorization to file an amended complaint from OAH via a notice of insufficiency granting leave to amend, when a party seeks to amend a complaint, a motion to amend must also be filed. Because Student did not have preauthorization to file the second amended complaint and no motion to amend was attached, OAH takes no action regarding the July 3, 2026, complaint.

EL DORADO COUNTY OFFICE OF EDUCATION AND EL DORADO COUNTY
CHARTER SELPA'S MOTION TO DISMISS SECOND AMENDED COMPLAINT
IS MOOT.

On July 3, 2026, El Dorado County Office of Education and El Dorado County Charter SELPA filed a motion to dismiss Student's second amended due process complaint. Student's second amended due process complaint is insufficient. The complaint will be dismissed if Student fails to file an amended complaint not later than 14 days from the date of this order. Moreover, respondents seek dismissal based on Student's second amended complaint which is no longer operative. If Student files a third amended complaint, nothing in this order prevents respondents from renewing their motion to be dismissed if appropriate. Therefore, the motion to dismiss is moot.

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 amended complaint 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. If Student fails to file a timely amended complaint, the complaint will be dismissed.
5. If Student files a third amended complaint, it must include a single section containing all issues alleged in the complaint and must identify which respondent or respondents are the subject of each issue.
6. Respondent's Motion to Dismiss is moot.
7. No action is taken on Student's proposed complaint filed on July 5, 2026, as no Motion to Amend accompanied the filing.
8. All dates previously set in this matter are vacated.

IT IS SO ORDERED.

Katherine Roe

Katherine Roe (Jul 8, 2026 08:17:33 PDT)

Katherine Roe

Administrative Law Judge

Office of Administrative Hearings