

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

SIERRA UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026070734

ORDER DETERMINING DUE PROCESS COMPLAINT
INSUFFICIENT

JULY 20, 2026

On July 13, 2026, Parents on behalf of Student filed a due process hearing request, called a complaint, with the Office of Administrative Hearings naming Sierra Unified School District. The Office of Administrative Hearings is referred to as OAH. Sierra Unified School District is referred to as Sierra. On July 17, 2026, Sierra filed a notice of insufficiency as to Student's 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).) Here, Sierra timely filed a notice of insufficiency.

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

An individualized education program is called IEP. A free appropriate public education is called a FAPE. Sierra alleges Student's complaint is insufficient in its entirety for lack of factual specificity, lack of named IEPs or timeframes, and vagueness.

Student's complaint is insufficiently pled. Student's complaint alleges one issue with six subsections. Students alleges:

1. Sierra denied Student a FAPE during the 2024 extended school year, the 2024-2025 regular school year and 2025 extended school year, and the 2025-2026 school year, and 2026 extended school year to date, and prospectively until the next annual IEP, by failing to:
 - a. Offer appropriate placement and supports:
 - b. Devise appropriate measurable and meaningful goals and objections in all areas of suspected need:
 - c. Offer appropriate frequency, duration, and type of designated instruction and services:
 - d. Provide appropriate intensive academic remediation and programming;
 - e. Address Student's dyslexia by providing appropriate intervention services;
 - f. Implement Student's IEP?

Student failed to specify whether each contention is alleged throughout the entire timeframe or if they are directed at particular points in time. Additionally, they are not connected to any IEP offers or specific facts that would give Sierra notice of a particular timeframe for each issue. Accordingly, this is a defect with each issue alleged and is insufficiently pled.

In Student's Issue 1(A), Student alleged that Sierra denied Student a FAPE for failing to offer an appropriate placement and supports. Student further stated Sierra failed to provide appropriate aide support, programming, academic remediation, and services. Student's Issue 1(A) is vague and lacks specificity. Student fails to specify what services and programming Sierra failed to offer. These are necessary factual allegations about the problem to put Sierra on notice of Student's specific claims and to respond and participate in a resolution session and mediation, and prepare for hearing. Therefore, Student's Issue 1(A) is insufficiently pled.

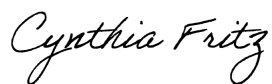
In Student's Issue 1(C), Student alleged that Student was denied a FAPE for failing to offer the appropriate frequency, duration, and type of designated instruction and services. Student further explained that Sierra failed to offer appropriate services and even when offered, they were not provided as written. Student also alleged that Sierra failed to specify what service portions would be in a group and individual settings. This issue is vague and overbroad. It is unclear, as written, if Student is alleging a failure to: make a clear offer, implement services, or offer appropriate serves. Further, no service types are specified. As such, this issue fails to put Sierra on notice of Student's specific claims that would enable it to respond and participate in a resolution session and mediation, and prepare for hearing. Therefore, Student's Issue 1(C) is insufficiency pled.

In Student's Issue I(E), Student alleged Sierra failed to address Student's dyslexia by providing appropriate intervention services. The issue does not make sense. Further,

Student explained that Student has not been recognized as having dyslexia, and is not eligible under the specific learning disability category. Additionally, Student argues that Sierra is not utilizing evidence-based literacy instruction, and if so, the instruction is not enough. As pled, it is unclear if this issue is alleging an eligibility issue, failing to assess, no literacy offer, failure to make an appropriate literacy offer, or something else. Thus, this issue is vague and unclear such that Sierra has insufficient notice of Student's specific claims and to respond and participate in a resolution session and mediation and prepare for hearing. Therefore, Student's Issue 1(E) is insufficiency pled.

ORDER

1. Student's complaint is insufficiently pled under section title 20 United States Code 1415(c)(2)(D).
2. Student is permitted to file an amended complaint under title 20 United States Code section 1415(c)(2)(E)(i)(II).
3. The amended complaint must comply with the requirements of title 20 U.S.C. section 1415(b)(7)(A)(ii), and must 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. All dates previously set in this matter are vacated.



Cynthia Fritz

Administrative Law Judge

Office of Administrative Hearings