

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

JULY 28, 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 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' notice of insufficiency and an opposition to respondents' motion to dismiss. On July 28, 2026,

Student filed a second opposition to respondents' notice of insufficiency and a second opposition to respondents' motion to dismiss.

Because the entirety of the complaint is reviewed and addressed in this Order, respondents' motions are addressed as notices of insufficiency. The parties are on notice that OAH only addresses a single motion within each motion filed. Nothing prevents the parties from refiling their motions to dismiss as single, standalone motions.

Within its notice of insufficiency, Sierra contends that Student's complaint contains no allegations establishing that Sierra had any educational responsibility for Student. Tahoe Truckee asserts that Student's complaint is vague and fails to identify specific actions being challenged or how the challenged conduct resulted in a denial of a free appropriate public education.

Student generally counters that Student's complaint contains sufficient claims, as it challenges a prior written notice, an assessment plan, as well as Tahoe Truckee's child find duties.

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 contains one section labeled “statement of complaints and problems,” listing 15 statements or problems. Student’s complaint does not delineate which are intended as statements of fact and which are problems or issues for hearing. For example, statements one, two, four, six, and eight reference a “prior written notice (PWN),” but it is unclear whether these statements are intended as separate issues or whether some of them are factual support for others. Likewise, statements five, 10, 11,

12, and 14 reference safety; however, it is unclear which are issues Student intends to litigate at hearing and which are factual support. Similarly, issues seven and eight reference "child find," but it is unclear whether one is a legal issue and the other is factual support. Finally, statements 13, 14, and 15 reference confidentiality; however, it is unclear which are issues for hearing, which are factual support, and which are asserted against Sierra or Tahoe Truckee, or both. It is ultimately unclear whether some of the statements serve as factual support for other statements or, alternatively, whether Student intends all 15 statements as issues for hearing.

The complaint provides sufficient 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.) As described on OAH's website, the IDEA requires the Request for Due Process Hearings, Complaint, to include, in relevant part: "a description of the nature of the problem of the child relating to such proposed initiation or change, including facts relating to such problem." (20 U.S.C. § 1415(b)(7)(A)(ii)(III).)

Here, the complaint fails to identify with sufficient specificity the issues Student intends to litigate. Although Student argues in Student's oppositions that a prior written notice, assessment plan, and child find violations serve as factual bases for the dispute, Student's complaint does not identify the distinct issues pertaining to these facts. Instead, the complaint includes 15 statements, many of which reference similar facts or assertions, and it fails to identify which are the distinct issues for hearing.

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.) Parents are encouraged to contact OAH for assistance if they intend to amend their due process hearing request.

ORDER

1. Student's complaint is insufficiently pled under section title 20 United States Code 1415(c)(2)(D).
2. Student shall be permitted to file an 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 an amended complaint is filed, it must clearly identify which issues Student intends to litigate in a single section, and it must clearly identify which are facts alleged in support of the issues in a separate section. Student must also clearly identify which issues are asserted against Sierra or Tahoe Truckee, or both.
5. If Student fails to file a timely amended complaint, the complaint will be dismissed.
6. All dates previously set in this matter are vacated.

IT IS SO ORDERED.

Daniel Senter

Daniel Senter

Administrative Law Judge

Office of Administrative Hearings