

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT

v.

TAHOE TRUCKEE UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026081000

ORDER DETERMINING DUE PROCESS COMPLAINT
PARTIALLY SUFFICIENT

SEPTEMBER 14, 2026

On August 25, 2026, Parents on behalf on 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. On September 9, 2026, Tahoe-Truckee filed a Notice of Insufficiency as to the complaint. Student responded to the notice on September 10, 2026.

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 complaint alleges two claims, one of which is sufficient and one insufficient. The first issue asserts that Tahoe-Truckee's assessment plan was defective because it did not adequately identify the information and circumstances supporting the

proposed assessment plan. The second issue asserts that the initiation of the assessment process rested on a mischaracterization of Parent as having requested assessment of Student.

The discussion of the sufficiency of the complaint in both Tahoe-Truckee's and Parent's briefing is significantly colored by past events in OAH case 2026070862, filed by Parent against Tahoe-Truckee regarding substantially the same facts. Following Tahoe-Truckee's notice of insufficiency in that case, OAH found the complaint insufficient and required Parent to amend the complaint. The order noted that OAH offers mediator assistance to parents in drafting complaints and encouraged Parent to contact OAH for assistance if they wished to amend the complaint. Without seeking support, Parent filed a new complaint which reduced 15 "statements of complaint" to two issues. Tahoe-Truckee filed a new notice of insufficiency against this amended complaint. OAH found the amended complaint insufficient by order dated August 24, 2026, which also barred Parents from filing an amended complaint. These prior proceedings are not relevant to the issue of whether the current complaint is sufficient.

Issue One is sufficiently pled to put Tahoe-Truckee on notice as to the basis of Parents' claims. It asserted that Tahoe-Truckee generated a proposed assessment plan and prior written notice on May 1, 2026, each of which were defective. Parent asserted that the assessment plan "did not adequately identify or describe the student specific information and circumstances actually available and relied upon to support the breadth of the proposed evaluation." Parent asserted that the prior written notice "did not adequately describe the evaluation procedures, assessments or reports that [Tahoe-Truckee] relied upon as the basis for its proposed action." No determination is made at the notice of insufficiency phase whether such information is required in the assessment plan or the notice of insufficiency. The sole issue is whether the complaint sufficiently

pleads a violation concerning a student's identification, evaluation, or educational placement or the provision of a free appropriate public education.

As any party may file for due process when there is a proposal to initiate the assessment of a child, this action is properly filed. The statement of issue One is sufficient because it describes the problem of an inadequate assessment plan and prior written notice. It sets forth the facts of the provision of the assessment plan and prior written notice, and details Parent's view of the defects in those documents. A complaint is required to include proposed resolutions to the problem, to the extent known and available to the party at the time. (20 U.S.C. § 1415(b)(7)(A)(ii)(IV).) The complaint sets forth proposed remedies, ranging from "withdrawal, correction, replacement" of the documents to the ordering of an "appropriate prospective educational placement." The statement of the first issue is sufficient.

With regard to Issue Two, Student fails to allege a violation relating to a proposed change regarding the Student's identification, evaluation, or educational placement or the provision of a free appropriate public education. Issue Two asserts that the "initiation of the initial assessment process" misidentified Parent as the referral source and mischaracterized Parent's communications as the basis for initiating the special education assessment. According to the "Facts Supporting Issue 2" section of the complaint, this issue concerns the same May 1, 2026 assessment plan and prior written notice as in Issue One. To the extent it concerns the provision of those documents, it is entirely duplicative of Issue One.

To the extent it asserts some misdeed in the initiation of an initial assessment process, it does not state a violation of any duty under the IDEA. Parent states that they contacted Tahoe-Truckee regarding Student's "educational circumstances," but did not request assessment. The suspicion that a student may have an impairment that is

affecting the student's educational performance and requires special education is sufficient to trigger a need to assess. (*Park v. Anaheim Union High School District* (9th Cir. 2006) 464 F.Supp. 1025, 1032, citing Ed. Code, § 56320.) There is no limitation that a district may only seek to assess a student if the parent requests assessment. The fact that Parent may not want Student to be assessed for initial eligibility is not a claim for which OAH has jurisdiction in a Student-filed case. Issue Two is insufficient.

As previously noted in the prior matter between the parties, 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.) Parent is encouraged to contact OAH for assistance if they intend to amend their due process hearing request. If Parent does not obtain assistance and again files an insufficient statement of issue, Parent may be barred from future filings or subjected to an order shifting costs for Tahoe-Truckee's attorney's fees.

ORDER

1. Issue One of Student's complaint is sufficient under title 20 United States Code section 1415(b)(7)(A)(ii).
2. Issue Two Student's complaint is insufficiently pled under title 20 United States Code section 1415(c)(2)(D).
3. Student shall be permitted to file an amended complaint under title 20 United States Code section 1415(c)(2)(E)(i)(II).
4. The amended complaint shall comply with the requirements of title 20 United States Code section 1415(b)(7)(A)(ii), and shall be filed not later than 14 days from the date of this order. The filing of an amended complaint will restart the applicable timelines for a due process hearing.

5. If Student fails to file a timely amended complaint, the hearing shall proceed only on Issue One in Student's complaint.

Chris Butchko

Chris Butchko

Administrative Law Judge

Office of Administrative Hearings