BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

RIVERSIDE UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026080159

ORDER DETERMINING DUE PROCESS COMPLAINT PARTIALLY SUFFICIENT

AUGUST 14, 2026

On July 29, 2026, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, called OAH, naming Riverside Unified School District.

On August 12, 2026, Riverside timely filed a Notice of Insufficiency as to the complaint. That same day, Riverside filed a Motion to Dismiss Student's complaint.

On August 14, 2026, Student filed a combined response to the Notice of Insufficiency and the Motion to Dismiss. Riverside's Motion to Dismiss is not addressed in this Order and will be ruled on separately. Additionally, any clarification or additional facts included only in Student's response to the Notice of Insufficiency does not remedy

any defect in Student's complaint, as the complaint itself must be sufficient without further addition or clarification.

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.].) 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, 46,699.)

DISCUSSION

Student's 73-page complaint includes 17 separately pled issues. The issues are numbered to 18; however, there is no issue number 12 pled. This Order addresses the issues as numbered by Student.

Student's complaint is not a model of clarity. Nevertheless, under the liberal pleading standards that apply to special education due process complaints, some of Student's issues are sufficiently pled.

Student's Issues 1, 2, 3, 5, 6, 7, 13, 14, 15, 17, and 18 are sufficiently pled. The complaint identifies adequate facts about these issues to permit Riverside to respond and participate in a resolution session, mediation, and due process hearing.

Riverside's argument regarding Student misidentifying the date of the settlement agreement is not persuasive. The complaint clearly identifies the settlement agreement at issue. Riverside's argument that OAH lacks jurisdiction over Student's issues challenging the implementation of the November 2025 settlement agreement is not properly before OAH through the Notice of Insufficiency but may be addressed in a ruling on Riverside's Motion to Dismiss.

Student's Issue 4 is not sufficiently pled. This issue alleges that Riverside denied Student a free appropriate public education, called a FAPE, by sending Parents an incorrect version of an unclearly identified IEP. Even under the liberal pleading requirements for a due process complaint, Issue 4 is insufficient.

Student's Issues 8, 9, 10, 11, and 16 are insufficient. These issues do not specify what timeframe or timeframes are at issue. Student has failed to plead sufficient facts to permit Riverside to respond and participate in a resolution session, mediation, and due process hearing.

Riverside also challenges Student's proposed resolutions requests. 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).) However, Student has met the statutorily required standard regarding proposed resolutions.

ORDER

1. Issues 1, 2, 3, 5, 6, 7, 13, 14, 15, 17, and 18 are sufficient under title 20 U.S.C. section 1415(b)(7)(A)(ii).
2. Issues 4, 8, 9, 10, 11, and 16 are 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 U.S.C. 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 Issues 1, 2, 3, 5, 6, 7, 13, 14, 15, 17, and 18 in Student's complaint.

IT IS SO ORDERED.

Ashok Pathi

Ashok Pathi
Administrative Law Judge
Office of Administrative Hearings