BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

BUCKEYE UNION SCHOOL DISTRICT AND VALLEY VIEW CHARTER MONTESSORI

OAH CASE NUMBER 2026080390

ORDER DETERMINING DUE PROCESS COMPLAINT INSUFFICIENT

AUGUST 28, 2026

On August 10, 2026, Parent, on behalf of Student, filed a Due Process Hearing Request, also called a complaint, with the Office of Administrative Hearings, called OAH, naming Buckeye Union School District and Valley View Charter Montessori as respondents. On August 25, 2026, Buckeye, and Valley View Charter, filed a Notice of Insufficiency as to the complaint. As will be more fully explained later in this order, Student's complaint is insufficient.

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 party has the right to file a notice asserting a complaint is insufficient within 15 days of receiving a request for due process hearing. (20 U.S.C. § 1415 (c)(2)(C); Ed. Code § 56502, subd. ((d)(1).) 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, or FAPE; (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 Individuals with Disabilities Education Act, or 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.] 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 Fed. Reg. 46541, 46699.)

Within five days of receipt of a notice of insufficiency, a determination must be made on the face of the notice of whether the complaint meets the requirements of title 20 United States Code section 1415 (b)(7)(A) and shall immediately notify the parties of writing of such determination. (20 U.S.C. § 1415 (c)(2)(D); 34 C.F.R 300.508 (d) (2).)

COMPLAINT INSUFFICIENT

Student's complaint alleges four insufficiently pled claims, which are lettered A though D:

- Student's first claim alleges disability discrimination in charter admissions.
- Student's second claim alleges the Charter required documents prior to enrolling Student in the program in violation of Education Code section 47605(e)(4)(B).
- Student's third claim alleges a FAPE denial, pursuant to section 300.209 of title 34 of the Code of Federal Regulations. However, Student fails to allege facts describing how either respondent violated the IDEA or California special education laws. California Education Code section 47646 is a law related to special education funding, as opposed to the provision of special education services to Student. The additional regulation cited, section 104.4(b)(3) of title 34 of the Code of Federal Regulations, pertains to disability discrimination.

- Student's fourth claim fails to identify the action triggering the respondents' obligation to issue a prior written notice under the IDEA or related California special education laws.

Student's complaint does not allege facts demonstrating how any of the claims allege violations of the Individuals with Disabilities Education Act or IDEA. Nor are allegations of California state special education laws specified.

ORDER

1. Student's complaint is insufficiently pled under section title 20 United States Code 1415(b)(7)(A)(ii)(III).
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 after 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.

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl
Administrative Law Judge
Office of Administrative Hearings