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 2025040091

ORDER DETERMINING DUE PROCESS COMPLAINT INSUFFICIENT

APRIL 15, 2025

On March 28, 2025, Parents on behalf of 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 April 10, 2025, Tahoe Truckee Unified School District, called Tahoe Truckee, filed a notice of insufficiency as to the complaint.

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).)

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, called 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 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 ten insufficiently pled claims. With respect to Issues 1 through 10, the complaint fails to provide Tahoe Truckee with the required problem description and the facts relating to the problem. For example, the complaint does not allege specific facts, including the dates of events such as individualized education program, called IEP, team meetings. The complaint also does not allege facts relating to any evaluation or failure to evaluate Student, any change in Student's educational placement, or how Student was denied a FAPE. Therefore, Student has failed to state sufficient facts supporting his claims and the complaint is insufficient.

Issues 1 and 3 generally alleges that Tahoe Truckee engaged in improper and discriminatory conduct against Parents and Student. Issues 1 and 3 do not allege any facts relating to Student's identification, evaluation, or educational placement, or facts describing how Student was denied a FAPE. Issues 1 and 3 do not provide sufficient information for Tahoe Truckee to understand the basis of the problem, and therefore are insufficiently pled.

Issue 2 alleges Tahoe Truckee has not taken responsibility for Student's special education because Student resides within another school district. Issue 2 is vague and confusing because it does not allege why Tahoe Truckee is the local educational agency responsible for providing Student a FAPE, describe any facts relating to Student's identification, evaluation, or educational placement, or explain how Student was denied a FAPE. Issue 2 fails to state sufficient facts to support Student's claim.

Issues 4 and 5 allege Tahoe Truckee changed appointments without considering Parents' work schedules and improperly allowed its attorney to participate in Student's

IEP team meetings. The complaint does not allege facts about any specific IEP team meeting that was changed by Tahoe Truckee, including the date of the IEP team meeting, whether Parents attended the IEP team meeting, or explain how the rescheduling of an appointment denied Student a FAPE. The complaint also is vague and ambiguous about how the participation of Tahoe Truckee's attorney in an IEP team meeting denied Student a FAPE. Issues 4 and 5 fail to state sufficient facts to support Student's claims.

Issues 6 and 7 allege there is a lack of trust between Parents and Tahoe Truckee and that Parents have suffered financial losses because of their advocacy for Student. Issues 6 and 7 do not allege specific facts relating to an evaluation of Student or changes to Student's educational program, or describe how Tahoe Truckee denied Student a FAPE. Issues 6 and 7 fail to state sufficient facts to support Student's claims.

Issue 8 refers to an evaluation of Student in 2024 by a deaf specialist. Issue 8 does not allege specific facts about when the evaluation occurred, if it was completed, or if Student contends the evaluation was legally insufficient. Issue 8 fails to state sufficient facts to provide Tahoe Truckee notice of the problem and therefore fails to state a claim.

Issue 9 alleges the staff working with Student were disrespectful and negatively affected Student's health. Issue 8 fails to allege specific facts about which staff members Student contends acted inappropriately, describe any acts he believes were disrespectful or inappropriate, allege when these acts occurred, or explain how any conduct by staff working with Student denied him a FAPE. Issue 9 fails to state sufficient facts to support Student's claim.

Issue 10 alleges Tahoe Truckee requested Parents to sign IEP documents that did not contain Parents' comments and concerns. Issue 10 is vague and uncertain because it does not allege the dates of the IEPs at issue, describe what comments or concerns Student contends were not included in the IEP documents, and describe how the failure to include this information denied him a FAPE. Issue 10 fails to state sufficient facts to support Student's claim.

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).) Student's complaint does not include any requested resolutions. Therefore, Student's complaint fails to meet the statutorily required standard of stating a resolution to the extent known and available to him at the time.

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 title 20 United States Code section 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 United States Code section 1415(b)(7)(A)(ii) and shall 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.

IT IS SO ORDERED.

Jennifer Kelly

Jennifer Kelly

Administrative Law Judge

Office of Administrative Hearings