BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

MODESTO CITY SCHOOLS.

OAH CASE NUMBER 2026010865

ORDER DETERMINING FIRST AMENDED DUE PROCESS COMPLAINT INSUFFICIENT

FEBRUARY 24, 2026

On January 23, 2026, Parents, on behalf of Student, filed a Due Process Hearing Request, also called a complaint, with the Office of Administrative Hearings, called OAH, naming Modesto City School as respondent. Parents also filed an attachment to the complaint on January 23, 2026. On February 2, 2026, Modesto City Schools filed a Notice of Insufficiency as to the complaint. On February 4, 2026, OAH determined Student's complaint insufficient and gave Student leave to amend it.

Later, on February 4, 2026, Parents filed an amended complaint. On February 19, 2026, Modesto filed a Notice of Insufficiency as to Student's amended complaint.

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; (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.)

AMENDED COMPLAINT INSUFFICIENT

MULTIPLE STUDENT ALLEGATIONS

Student's February 4, 2026 amended complaint repeats the same mistakes identified in the previously issued order determining the original complaint insufficient. The amended complaint continues to raise issues as to multiple students in a single due process request. Student's Amended complaint, "Problem Number 3" alleges "the District" took unilateral actions to forcibly remove all four children out of the district …" OAH does not allow allegations related to multiple Students in a single due process request as was explained in the order determining Student's original complaint insufficient.

INADEQUATE FACTS ALLEGED

As part of the February 4, 2026 amended complaint, Student attaches a document entitled "Due Process Complaint Notice (Cured)." This document appears to offer additional allegations to the form complaint. Neither the form complaint nor the attachment identify the dates in question. As stated in the prior order, there are no dates indicating which IEPs Student is claiming are deficient or which years assessments were not provided. Student's complaint indicates she is currently enrolled in a different school district. Therefore, the dates of the allegations are particularly important for Modesto to understand the claims being asserted against it.

Furthermore, it is unclear from the attachment whether the claims asserted are additional facts related to the claims in the form complaint, or whether it is attempting

to state additional claims. The attachment provides nearly seven pages of facts but fails to associate the facts with the "Legal Violations" asserted as bullet points or the numbered "Issues for Hearing" that follow the legal violations. Parent needs to state the special education violations that happened to this Student, the dates they occurred, and the resolution proposed to correct the problem Parents are alleging. Modesto cannot be required to guess what is being alleged against it.

As written, Modesto is unable to determine what claims are being raised against it. As a result, Modesto is unable to prepare for resolution session, mediation or hearing. The complaint is insufficient as written.

MEDIATOR ASSISTANCE FOR NON-REPRESENTED PARENTS

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. If Student chooses to amend her complaint the next complaint shall be titled, "Second Amended Complaint." Any attachment to the second amended complaint will be titled, "Attachment to second amended complaint." Student is encouraged to include all necessary information in a single complaint and avoid attachments for clarity.

OAH also maintains a list of no-cost and low-cost attorneys, who handle special education violation claims, on its website.

ORDER

1. Student's complaint is insufficiently pled under section 1415(c)(2)(D) of title 20 of the United States Code.

2. Student shall be permitted to file a second amended complaint under section 1415(c)(2)(E)(i)(II), of title 20 of the United States Code.
3. The second amended complaint shall comply with the requirements of section 1415(b)(7)(A)(ii), of title 20 of the United States Code.
4. The second amended complaint must be filed no later than 14 days from the date of this order.
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.

Penelope Pahl

Penelope S. Pahl
Administrative Law Judge
Office of Administrative Hearings