BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

RESCUE UNION ELEMENTARY SCHOOL DISTRICT, BUCKEYE UNION SCHOOL DISTRICT, AND EL DORADO COUNTY OFFICE OF EDUCATION.

OAH CASE NUMBER 2026060871

ORDER DETERMINING DUE PROCESS COMPLAINT SUFFICIENT

JUNE 30, 2026

On June 17, 2026, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming three respondents, Rescue Union Elementary School District, Buckeye Union School District, and El Dorado County Office Of Education. The complaint alleged that Student resided within Rescue Union, and attended a County preschool program housed in a charter school that is a dependent charter school of Buckeye Union. In pertinent part, as it relates to Rescue Union, the district of residence, the complaint alleged that "based on a

limited and delinquent initial assessment, [Rescue Union and El Dorado County] failed to develop appropriate goals to address [Student's] needs . . . and offered only a minimal 25 minutes per week of speech." The complaint further alleged that when Parent sought an initial assessment, El Dorado County referred Parent to Rescue Union, who notified Parent that the speech language pathologist at Student's school of residence was on maternity leave but that another assessor would instead contact Parent. Thereafter, El Dorado issued an assessment plan.

On June 26, 2026, Rescue Union filed a Notice of Insufficiency as to the complaint. For the reasons discussed below, the complaint is sufficient as to Rescue Union.

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.]; 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.)

DISCUSSION

The facts alleged in Student's complaint are sufficient. The complaint alleges that Rescue Union did not respond appropriately to a request for an assessment, and that Rescue Union failed to develop appropriate goals and services. The clarity, and not the factual accuracy of these allegations, is the only inquiry on a notice of insufficiency. The allegations are clear. Therefore, Student's statement of the claims is sufficient.

Rescue Union raises a variety of factual questions about the accuracy of the allegations, but special education law does not provide for a summary judgment procedure. Rescue Union argues that Student fails to allege he ever registered or attempted to register at a District school, and was parentally placed in a public charter school, not operated by the District, such that District is not the appropriate party to offer or provide Student with a FAPE, as that obligation rested with the school district or

public agency with jurisdiction over the charter. However, the complaint clearly alleged that Rescue Union did not respond appropriately to a request for an assessment, and that Rescue Union failed to develop appropriate goals and services. It is a matter to be established at hearing whether Rescue Union had the legal obligations Student alleged.

ORDER

1. The complaint is sufficient under title 20 United States Code section 1415(b)(7)(A)(ii).
2. All mediation, prehearing conference, and hearing dates in this matter are confirmed.

IT IS SO ORDERED.

June Lehrman

June Lehrman
Administrative Law Judge
Office of Administrative Hearings