BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

TAHOE TRUCKEE UNIFIED SCHOOL DISTRICT AND SIERRA EXPEDITIONARY LEARNING SCHOOL.

OAH CASE NUMBER 2026050505

ORDER DETERMINING DUE PROCESS COMPLAINT INSUFFICIENT

MAY 19, 2026

On May 6, 2026, Student filed two copies of a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Tahoe Truckee Unified School District. The complaint was missing any proper proof of service on Truckee.

On May 6, 2026, Student filed an incomplete complaint with OAH naming Tahoe Truckee Unified School District and Sierra Expeditionary Learning School LEA, but this copy was missing certain pages and was also missing a complete proof of service on Truckee.

On May 12, 2026, Student filed what looks like a compilation of all the prior papers. It was also missing a valid proof of service on Truckee. OAH issued a Scheduling Order, setting the hearing for June 16 through 18, 2026.

On May 13, 2026, District filed a notice of representation on behalf of Truckee.

On May 15, 2026, District filed a notice of insufficiency which it claims was filed in an abundance of caution pending ruling on a separately filed motion to dismiss. OAH has not received District's Motion to Dismiss. District argues that the complaint does not identify any free appropriate public education, called FAPE, violation or allegations under the Individuals with Disabilities Education Act, called the IDEA (20 U.S.C. § 1400 et. seq.) or the California special education law. District argues that the allegations are vague and lack factual information sufficient to allow it to adequately respond or put it on notice of the claims asserted against it. District contends that Parent has conflated the allegations against it and Sierra, but that under the operating agreement between District and Sierra, they each have separate responsibilities.

Student filed a response to the Notice of Insufficiency on May 18, 2026. Student argues that District served Parent with the Notice of Insufficiency after filing it with OAH in violation of OAH rules. Student accuses District of fraudulent backdating.

APPLICABLE LAW

The purpose of the IDEA (20 U.S.C. § 1400 et. seq.) is to "ensure that all children with disabilities have available to them a free appropriate public education," and to protect the rights of those children and their parents. (20 U.S.C. § 1400(d)(1)(A), (B), and (C); see also Ed. Code, § 56000.) A party has the right to present a complaint "with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to such child." (20

U.S.C. § 1415(b)(6); Ed. Code, § 56501, subd. (a).) The jurisdiction of OAH is limited to these matters. (*Wyner v. Manhattan Beach Unified School. Dist.* (9th Cir. 2000) 223 F.3d 1026, 1028-1029.)

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)(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, *3; *Escambia County Board of Education v. Benton* (S.D. Ala. 2005) 406 F.Supp.2d 1248, 1259-1260; *Sammons v. Polk County School Board* (M.D.Fla., Oct. 28, 2005, 8:04CV2657T24EAJ) 2005 WL 2850076, *4; Cf. *M.S.-G v. Lenape Regional High School Dist. Board of Education* (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 Education of Children with Disabilities and Preschool Grants for Children with Disabilities* (Aug. 14, 2006) 71 Fed. Reg. 46,540-01, 46699.)

DISCUSSION

As Problem 1, Student alleges that District engaged in targeted administrative retaliation and "pretextual pathologizing" based on some vague description of events in retaliation against Parent. Student requests reimbursement for private school tuition and for costs to move Student to a safe location, plus monetary damages.

Problem 1 is insufficiently pled. Problem 1 fails to provide District with the required problem description and the facts relating to the problem. Among other things, the allegations are too vague and without dates. The allegations do not adequately describe the problem and how they relate to the proposed change regarding the student's identification, evaluation, or educational placement, or providing Student FAPE. The complaint does not forth enough facts about the problem to provide District with sufficient information to know how to prepare for the hearing and how to participate in resolution sessions and mediation. It does not allege that Student was eligible for special education or adequately explain how District's conduct otherwise denied Student a FAPE prior to Student becoming eligible for special education. Problem 1 appears to assert a retaliation claim grounded in tort law based

on District's alleged conduct against Parent, as evidenced by the claim for damages. OAH does not have jurisdiction over such claims.

Problem 2 alleges that on April 28, 2026, District broke a no-contact protocol by a teacher sending Parent a digital link and failing to have Student's physical school materials ready at the scheduled 2:30 PM pickup time. Student alleges that District's conduct sabotaged her "safety bridge" and blocked her from her education. Student seeks immediate enforcement of a permanent no-contact order, along with reimbursement for the educational loss and other costs, including all remedies needed to restore Student's standing following the District's active defiance and total failure to deliver mandatory curriculum.

Problem 2 is insufficiently pled. Problem 2 fails to provide District with the required problem description and the facts relating to the problem. Among other things, the allegations are too vague and unclear. The allegations do not adequately describe the problem and how they relate to the proposed change regarding the student's identification, evaluation, or educational placement, or providing Student FAPE. The complaint does not forth enough facts about the problem to provide District with sufficient information to know how to prepare for the hearing and how to participate in a resolution session or mediation. It does not allege that Student was eligible for special education or adequately explain how District's conduct otherwise denied Student a FAPE prior to Student becoming eligible for special education.

Problem 3 alleges District engaged in systematic constructive discharge and preemptive displacement. Student alleges that District acted with hostility and malice which made it unsafe for Student's family, causing "constructive discharge" for the older daughter and a "preemptive strike" regarding the younger daughter, thus, "poisoning

the well." Student requests as remedies, private school tuition for both daughters through grade 12, and payment for the family's "relocation and reconstitution."

Problem 3 is insufficiently pled. Problem 3 fails to provide District with the required problem description and the facts relating to the problem. Among other things, the allegations are too vague and without dates. The allegations do not adequately describe the problem and how they relate to the proposed change regarding the student's identification, evaluation, or educational placement, or providing Student FAPE. The complaint does not allege that Student was eligible for special education or adequately explain how District's conduct otherwise denied Student a FAPE prior to Student becoming eligible for special education. It does not forth enough facts about the problem to provide District with sufficient information to know how to prepare for the hearing and how to participate in a resolution session or mediation. Problem 3 appears to assert claims for Student's sibling which is not a proper basis to seek relief in a case filed on behalf of Student.

At the end of the attachment to Student's complaint, Student asserts that District is prohibited from engaging in certain conduct and that the transition to a private school is a direct result of District's refusal to provide a safe, non-hostile environment, and a "necessary rescue" to protect Student's safety and nervous systems. Student claims to invoke stay put to maintain the status quo regarding "their standing as residents" of District.

To the extent Student intends these later allegations as claims for relief before OAH, the claims are insufficiently pled. Again, the allegations fail to provide District with the required problem description and the facts relating to the problem. Among other things, the allegations are too vague and appear at least in part to be allegations relating to what District cannot do, not conduct District engaged in. Regarding

Student's invocation of stay put, there are no allegations that District refused to implement Student's placement, much less that Student had an individualized education program, or IEP, to implement. Student's assertion regarding the transition to private school is also too vague and appears to be a reiteration of Problem 3, which was also insufficient. None of these additional allegations adequately describe the problem and how they relate to the proposed change regarding the student's identification, evaluation, or educational placement, or providing Student FAPE. Again, Student does not allege that Student was eligible for special education or adequately explain how District's conduct otherwise denied Student a FAPE prior to Student becoming eligible for special education. It does not forth enough facts about the problem to provide District with sufficient information to know how to prepare for the hearing and how to participate in a resolution session or mediation.

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.

ORDER

1. Student's complaint is insufficiently pled under section title 20 United States Code 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). The amended complaint shall not include the incorporation of any other documents or attachments, and the pages shall be numbered sequentially in order at the bottom of each page and include a proof of service at the end of the document, demonstrating all

parties served, when they were served, and the address at which each party was served.

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 from the date of this order, by 5:00 PM. If Student timely files an amended complaint, OAH will issue a new scheduling order with the new dates for the prehearing conference and due process hearing.
4. If Student fails to file a timely amended complaint, the case will be dismissed.
5. All dates previously set in this matter are vacated.

IT IS SO ORDERED.

Laurie Gorsline

Laurie Gorsline

Administrative Law Judge

Office of Administrative Hearings