BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

PACIFIC CHARTER INSTITUTE

AND

SUTTER PEAK CHARTER ACADEMY.

OAH CASE NUMBER 2025050672

ORDER DETERMINING SECOND AMENDED DUE PROCESS COMPLAINT PARTIALLY SUFFICIENT

AUGUST 7, 2025

On May 16, 2025, Student filed a due process hearing request, called a complaint, with the Office of Administrative Hearings, called OAH, naming Pacific Charter Institute and Sutter Peak Charter Academy. Pacific Charter Institute is called Pacific, and Sutter Peak Charter Academy is called Sutter Peak.

On June 2, 2025, Pacific and Sutter Peak filed a notice of insufficiency as to the complaint. On June 3, 2025, Student filed an opposition. On June 4, 2025, OAH

determined Student's complaint was partially sufficient and authorized Student to file an amended complaint within 14 days if Student wished to state claims beyond those OAH determined were sufficiently pleaded.

On June 18, 2025, Student filed an amended complaint. On June 23, 2025, Pacific and Sutter Peak filed a motion to dismiss Issue 10 of Student's amended complaint because it asserted claims outside OAH's jurisdiction. On June 25, 2025, OAH granted the motion to dismiss Issue 10 of the amended complaint.

On July 3, 2025, Pacific and Sutter Peak filed a notice of insufficiency as to the amended complaint only with respect to Issues 1, 3, 6, 7, 8, and 9. On July 15, 2025, OAH determined Issues 1 ,2 ,4 ,5, and 8 of the amended complaint were sufficiently pleaded. Issues 3, 5, 6, 7, and 9 of the amended complaint were partially sufficient under title 20 United States Code section 1415(b)(7)(A)(ii), but insufficiently pleaded under title 20 United States Code section 1415(c)(2)(D) as to claims arising prior to May 16, 2023.

On July 22, 2025, Student filed a second amended complaint. On July 30, 2025, Sutter Peak and Pacific Charter filed a motion to dismiss Issue 10 of the second amended complaint on the basis Student alleged claims outside of OAH's jurisdiction. On August 5, 2025, Sutter Peak and Pacific Charter filed a Notice of Insufficiency as to the second amended complaint only with respect to Issues 1, 3, 6, 7, 8, and 9. On August 6, 2025, OAH granted the motion to dismiss Issue 10 of the second amended 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).

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 Board of Educ. 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 [nonpub. opn.]; but cf. *M.S.-G v. Lenape Regional High School Dist. Board 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 46540-46541, 46699.)

The statute of limitations in California is two years, consistent with federal law. (Ed. Code, § 56505, subd. (*l*); see also 20 U.S.C. § 1415(f)(3)(C).) However, title 20 United States Code section 1415(f)(3)(D) and Education Code section 56505, subdivision (*l*), establish exceptions to the statute of limitations in cases in which the parent was prevented from filing a request for due process due to specific misrepresentations by the local educational agency that it had resolved the problem forming the basis of the complaint, or the local educational agency's withholding of information from the parent that was required to be provided to the parent.

California has held that a claim accrues for purposes of the statute of limitations when a parent learns of the injury that is a basis for the action. That is, the claim accrues when the parent knows that the education provided is inadequate, and not when the parent understands a claim occurred. (*M.M. & E.M. v. Lafayette School Dist*. (N.D.Cal., Feb. 7, 2012 Nos. CV 09– 4624, 10–04223 SI) 2012 WL 398773, ** 17 – 19, affd. in part and revd. in part on other grounds by *M.M. v. Lafayette School Dist*., et al (9th Cir. 2014) 767 F.3d 842, 859.)

It does not matter if the parent understood that the inadequacy was a legal claim, what is material is the fact that the parent had knowledge of the problem. Congress intended to obtain timely and appropriate education for special-needs children. Congress did not intend to authorize the filing of claims under the IDEA many years after the alleged wrongdoing occurred. (*Student v. Brea Olinda Unified School Dist*. OAH Case No. 2009050815, quoting *Alexopulous v. San Francisco Unified School Dist*. (9th Cir. 1987) 817 F.2d 551, 555.)

Student's original complaint was filed on May 16, 2025. The claims alleged in Student's second amended complaint relate back to the date of the original filing. Therefore, claims arising before May 16, 2023, are barred unless an exception to the statute of limitations applies or the Student alleges that Parent discovered Student's education was inadequate within the two years preceding the filing of the original complaint.

The purpose of a notice of insufficiency is not to determine whether the complaining party is likely to prevail on any of the claims stated in a complaint, but to consider whether the complaining party has provided the responding party with sufficient information to understand what the complaining party intends to prove at hearing so the responding party can participate in a resolution session and mediation, and prepare for the hearing. Student's second amended complaint is being reviewed not to evaluate whether Student has stated a factually meritorious basis for piercing the statute of limitations. Rather to determine whether Student has pleaded sufficient information to put Pacific and Sutter Peak on notice that, for certain of Student's issues, Student alleges one, the other, or both statutory exceptions to the two-year statute of limitations, or alleges discovery of the inadequacy of Student's education within the two-year statute of limitations ,and why or how.

Student's Issue 1 of the second amended complaint was plead without change from the amended complaint. This ALJ reiterates the analysis from OAH's order dated July 15, 2025. Student contends she was denied a free appropriate public education, called FAPE, because Pacific and Sutter Academy failed on and after February 1, 2025, to provide Parents a copy of Student's complete educational record in response to Parents' requests. The facts alleged in Student's Issue 1 are sufficient. Student's second amended complaint in Issue 1 identifies the issue and adequate facts about the problem

to permit Pacific and Sutter Peak to respond and participate in a resolution session and mediation, and prepare for hearing.

Student's Issue 2 of the second amended complaint was plead without any changes from the amended complaint. This ALJ reiterates the analysis from OAH's Order dated July 15, 2025. Here, Student contends she was denied a FAPE because Pacific and Sutter Peak failed by May 20, 2025, to conduct the three-year reevaluation to which Parents consented on March 19, 2025, and returned the signed assessment plan to Pacific and Sutter Peak on March 21, 2025. This resulted in Pacific and Sutter Peak failing to conduct a three-year reevaluation at all, because Pacific and Sutter Peak graduated Student with a regular high school diploma at the end of the 2024-2025, school year. The facts alleged in Student's Issue 2 are sufficient. Student's second amended complaint in Issue 2 identifies the issue and adequate facts about the problem to permit Pacific and Sutter Peak to respond and participate in a resolution session and mediation, and prepare for hearing.

Student's Issue 3 of the second amended complaint was plead without any changes from the amended complaint. This ALJ reiterates the analysis from OAH's Order dated July 15, 2025. Student alleges Pacific Charter and Sutter Peak denied Student a FAPE in every school year from January 2016 through the end of the 2024-2025 school year. Within the body of the second amended complaint under the heading for Issue 3, Student takes issue with the goals of specific IEPs, dated:

- March 9, 2016;
- May 9, 2016;
- February 6, 2017;
- January 29, 2018;
- May 6, 2019;

- April 27, 2020;
- April 26, 2021;
- April 25, 2022;
- April 17, 2023; and
- April 9, 2024.

Because claims alleged in the second amended complaint, relate back to the date of the original complaint the filing date for the purposes of determining the statute of limitation was May 16, 2025. Student realleged the same IEP dates of which only April 9, 2024 was developed within the two-year statute of limitations.

Like the amended complaint regarding other Issues discussed below, Student does not indicate in the second amended complaint that she is attempting to pierce the statute of limitations, despite complaining about every IEP since January 2016. Student does not include any facts alleging specific misrepresentations by Pacific and Sutter Peak that they had solved the problem forming the basis of Student's due process hearing request regarding the lack of measurable and appropriate goals in all of Student's IEPs from the time she started at Pacific and Sutter Peak through the end of the 2024-2024 school year. The second amended complaint regarding Issue 3 does not include any facts alleging Pacific and Sutter Peak withheld information it was required to provide Parents.

Student also failed to allege that any specific misrepresentations by Pacific and Sutter Peak that they had solved the problem of which Student complains in Issue 3, or any withholding of information Pacific and Sutter Peak were required to provide Parents, prevented Parents from requesting the due process hearing before May 16, 2025.

Without these facts, Student's second amended complaint regarding Issue 3 is insufficient to permit Pacific and Sutter Peak to respond and participate in a resolution session and mediation, and prepare for hearing, regarding why or how Student is invoking any exception to the statute of limitations for claims about her IEPs not offering her measurable and appropriate goals in the period before May 16, 2023.

Student's Issue 4 of the second amended complaint was plead without any changes from the amended complaint. This ALJ reiterates the analysis from OAH's Order dated July 15, 2025. Student contends she was denied a FAPE because Pacific and Sutter Peak did not file for due process when Parents did not provide full consent to the April 17, 2023, IEP and subsequent IEPs, as required by Education Code section 56346, subdivision (f). The facts alleged in Student's Issue 4 are sufficient. Student's second amended complaint in Issue 4 identifies the issue and adequate facts about the problem to permit Pacific and Sutter Peak to respond and participate in a resolution session and mediation, and prepare for hearing.

Student's Issue 5 of the second amended complaint was plead without any changes from the amended complaint. This ALJ reiterates the analysis from OAH's Order dated July 15, 2025. Student contends she was denied a FAPE because Pacific and Sutter Peak did not make a clear written offer in the April 9, 2024, IEP. Student alleges that Pacific and Sutter Peak held an annual IEP team meeting on April 9, 2024, but provided no formal written offer of FAPE. Student further alleges that since April 9, 2024, Pacific and Sutter Peak held three additional IEP team meetings on 9, 2024, March 5, 2025, and May 1, 2025, and failed to provide Parents with a formal written offer of FAPE at each of those meetings. The facts alleged in Student's Issue 5 are sufficient. Student's second amended complaint in Issue 5 identifies the issue and

adequate facts about the problem to permit Pacific and Sutter Peak to respond and participate in a resolution session and mediation, and prepare for hearing.

Student's Issue 6 of the second amended complaint contends she was denied a FAPE because Pacific and Sutter Peak did not conduct a comprehensive post-secondary transition assessment and failed to offer an appropriate transition plan and goals during the 2021-2022, 2022-2023, 2023-2024, and 2024-2025 school years. Student's Issue 6 pleaded without changes from the amended complaint. This ALJ reiterates the analysis from OAH's Order dated July 15, 2025. Student alleges she entered high school during the 2021-2022 school year, and turned 16 years old in September 2022. Student alleges Parents relied on "the District's [sic] numerous misrepresentations regarding Student's right to an [independent educational evaluation]. As such, Parent requests a waiver of the two-year statute of limitations in this matter."

Student's second amended complaint in Issue 6 identifies the issue and adequate facts about the problem to permit Pacific and Sutter Peak to respond and participate in a resolution session and mediation, and prepare for hearing, with respect to the period after May 16, 2023. But Student's second amended complaint does not allege any facts that follow the statutory language for invoking the exception to the two-year statute of limitations Student seems to be attempting to plead.

Student does not include any facts alleging specific misrepresentations by Pacific and Sutter Peak that they solved the problem forming the basis of Student's due process hearing request regarding post-secondary transition assessment and an individual transition plan and goals. Although Student uses the word "misrepresentations," the context suggests Student is perhaps actually alleging Pacific and Sutter Peak withheld information it was required to provide Parents. But the second

amended complaint is not factually sufficient to understand which exception Student intends to invoke.

Student also failed to allege that any specific misrepresentations by Pacific and Sutter Peak that they had solved the problem of which Student complains in Issue 6, or any withholding of information Pacific and Sutter Peak were required to provide Parents, prevented Parents from requesting the due process hearing before May 16, 2025.

Without these facts, Student's second amended complaint regarding Issue 6 is insufficient to permit Pacific and Sutter Peak to respond and participate in a resolution session and mediation, and prepare for hearing, regarding why or how Student is invoking any exception to the statute of limitations for claims about post-secondary transition assessment and an individual transition plan and goals concerning the period before May 16, 2023.

Issue 7 of Student's second amended complaint was plead without any changes from the amended complaint. This ALJ reiterates the analysis from OAH's Order dated July 15, 2025. Student contends she was denied a FAPE because Pacific and Sutter Peak did not offer her adequate goals, services, and placement to help her obtain academic benefit during the 2016-2017, 2017-2018, 2018-2019, 2019-2020, 2020-2021, 2021-2022, 2022-2023, 2023-2024, and 2024-2025 school years. Student challenges the IEPs dated:

- January 27, 2016;
- March 9, 2016;
- May 9, 2016;
- February 6, 2017;
- January 29, 2018;

- May 6, 2019;
- April 27, 2020;
- April 26, 2021;
- April 25, 2022;
- April 25, 2022, stated again; and
- "any subsequent IEP offer [Sutter Peak] purports to have made."

Only IEPs offered after May 16, 2023, were developed within two years before Student filed her second amended complaint. Issue 7 of the second amended complaint identifies the issue and adequate facts about the problem to permit Pacific and Sutter Peak to respond and participate in a resolution session and mediation, and prepare for hearing, with respect to the period after July 22, 2023.

As for the allegations prior to the statute of limitations, Student does not include any facts alleging specific misrepresentations by Pacific and Sutter Peak that they had solved the problem forming the basis of Student's due process hearing request regarding the broad and summary allegation that none of Student's IEPs from the time she enrolled in January 2016 through the time she graduated at the end of the 2024-2025 school year offered her appropriate goals, placement, and related services. The second amended complaint regarding Issue 7 does not include any facts alleging Pacific and Sutter Peak withheld information it was required to provide Parents.

Student also failed to allege that any specific misrepresentations by Pacific and Sutter Peak that they had solved the problem of which Student complains in Issue 7, or any withholding of information Pacific and Sutter Peak were required to provide Parents, prevented Parents from requesting the due process hearing before May 16, 2025.

Without these facts, Student's second amended complaint regarding Issue 7 is insufficient to permit Pacific and Sutter Peak to respond and participate in a resolution session and mediation, and prepare for hearing, regarding why or how Student is invoking any exception to the statute of limitations for claims about her IEPs not offering her appropriate goals, placement, and related services in the period before May 16, 2023.

Issue 8 of the second amended complaint contends Student was denied a FAPE because Pacific and Sutter Peak unilaterally determined she met graduation requirements and issued her a regular high school diploma at the end of the 2024-2025 school year, thereby unlawfully removing her from special education without obtaining parental consent and prior to obtaining an order from OAH or the California Department of Education. Issue 8 does not include claims that arose any earlier than May 16, 2023, and no exception to the two-year statute of limitations is required.

Student's Issue 8 of the second amended complaint was plead without any changes from the amended complaint. This ALJ reiterates the analysis from OAH's Order dated July 15, 2025. The facts alleged in Student's Issue 8 are sufficient. Student's second amended complaint in Issue 8 identifies the issue and adequate facts about the problem to permit Pacific and Sutter Peak to respond and participate in a resolution session and mediation, and prepare for hearing.

Student's Issue 9 of the second amended complaint was plead without any changes from the amended complaint. This ALJ reiterates the analysis from OAH's Order dated July 15, 2025. In Issue 9, Student contends she was denied a FAPE because Pacific and Sutter Peak unilaterally predetermined Student's educational program and significantly impeded Parents' opportunity to participate in the decision making process

regarding the provision of a FAPE to Student during the 2022-2023, 2023-2024 and 2024-2025 school years.

Student then later expands the allegation to assert "District [sic] significantly impeded Parents from participating in the decision-making process of [Student's] educational program during 2015-2016, 2016-2017, 2017-2018, 2018-2019, 2019-2020, 2020-2021, 2021-2022, 2022-2023, 2023-2024 and current 2024-2025 school years, simply offering services based on what [sic] was available in [Sutter Peak's] programming and not taking into account [Student's] actual needs." Although Student's heading and summary of the issue is confined to the two-year statutory period, from May 16, 2023, in the 2022-2023 school year, through July 22, 2025, in the 2024-2025 school year, other allegations in Issue 9 of Student's second amended complaint attempt to expand the period of liability beyond what Student stated as the heading of Issue 9.

Student's second amended complaint in Issue 9 identifies the issue and adequate facts about the problem to permit Pacific and Sutter Peak to respond and participate in a resolution session and mediation, and prepare for hearing, with respect to the period after May 16, 2023. But Student's second amended complaint does not sufficiently allege any facts that follow the statutory language for invoking the exception to the two-year statute of limitations Student seems to be attempting to plead.

However, Student does not include any facts alleging specific misrepresentations by Pacific and Sutter Peak that they had solved the problem forming the basis of Student's due process hearing request regarding significantly impeding Parents' participation in the decision making process regarding providing Student a FAPE, or predetermining the IEP offers. Student's second amended complaint repeatedly uses words insinuating "misrepresentations." For example, Student alleges Pacific and Sutter

Peak "misrepresent[ed] to Parents that [Sutter Peak] was a school of choice," "misrepresented to Parents that [Sutter Peak] was meeting her educational needs," and "continued to misrepresent that [Sutter Peak] could serve [Student] in its programs." None of these sufficiently inform Pacific and Sutter Peak of what Student contends were misrepresentations by Pacific and Sutter Peak that they had solved the problem forming the basis of Student's due process hearing request regarding significantly impeding Parents' participation in the decision making process regarding providing Student a FAPE, or predetermining the IEP offers, in order to justify opening up the statute of limitations regarding claims that pre-date May 16, 2023.

Additionally, Student failed to allege that any specific misrepresentations by Pacific and Sutter Peak that they had solved the problem of which Student complains in Issue 9 prevented Parents from requesting the due process hearing challenging predetermination and significantly impeding Parent's participation during the 2015-2016, 2016-2017, 2017-2018, 2018-2019, 2019-2020, 2020-2021, and 2021-2022, school years, and almost the entirety of the 2022-2023 school year, before May 16, 2025.

Without these facts, Student's second amended complaint regarding Issue 9 is insufficient to permit Pacific and Sutter Peak to respond and participate in a resolution session and mediation, and prepare for hearing about why or how Student is invoking any exception to the statute of limitations for claims about predetermination or significantly impeding Parent's participation concerning the period before May 16, 2023.

ORDER

1. Issues 1, 2, 4, 5, and 8 of Student's second amended complaint are sufficient under title 20 United States Code section 1415(b)(7)(A)(ii).

2. Issues 3, 6, 7, and 9 of Student's second amended complaint are partially sufficient under title 20 United States Code section 1415(b)(7)(A)(ii), but insufficiently pleaded under title 20 United States Code section 1415(c)(2)(D) as to claims arising prior to May 16, 2023.
3. Student is permitted to file a third amended complaint under title 20 United States Code section 1415(c)(2)(E)(i)(II) to address the deficiencies for Issues 3, 6, 7, and 9 under title 20 United States Code section 1415(c)(2)(D) as to claims arising prior to May 16, 2023.
4. The third amended complaint must 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. The filing of a third amended complaint will restart the applicable timelines for a due process hearing.
5. If Student's third amended complaint is not filed timely and fails to allege with specificity any facts to support piercing the two-year statute of limitations under the Individuals with Disability Education Act, called the IDEA, then the hearing shall proceed as to Issues 1, 2, 4, 5, and Issues 3, 6, 7, and 9 of Student's second amended complaint as to claims arising on or after May 16, 2023, only.

IT IS SO ORDERED.

Thanayi Lindsey
Thanayi Lindsey (Aug 11, 2025 11:05:18 PDT)

Thanayi Lindsey

Administrative Law Judge

Office of Administrative Hearings