BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

LA MESA-SPRING VALLEY SCHOOL DISTRICT.

OAH CASE NUMBER 2025050128

ORDER GRANTING RECONSIDERATION AND DETERMINING DUE PROCESS COMPLAINT PARTIALLY SUFFICIENT

MAY 22, 2025

On May 2, 2025, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming La Mesa-Spring Valley School District. On May 6, 2025, Student filed a notice of errata and a corrected complaint. On May 16, 2025, La Mesa-Spring Valley filed a Notice of Insufficiency as to the corrected complaint. On May 20, 2025, OAH denied the Notice of Insufficiency as premature as to the corrected complaint. On May 22, 2025, La Mesa-Spring Valley requested a reconsideration of the order.

OAH will generally reconsider a ruling upon a showing of new or different facts, circumstances, or law justifying reconsideration, when the party seeks reconsideration within a reasonable period of time, generally within ten days. (See, e.g., Gov. Code, § 11521; Code Civ. Proc., § 1008.)

La Mesa-Spring Valley alleges in the reconsideration motion that Student has not responded to La Mesa-Spring Valley's multiple inquiries to Student regarding the notice and complaint, since May 14, 2025, to date. Without any responses from Student to date, La Mesa-Spring Valley argues it is unclear whether Student will ever file an amended complaint, and it will be prejudiced by the law that deems Student's initial complaint sufficient in the absence of a timely filed Notice of Insufficiency.

OAH deemed Student's notice of errata, which referred to itself, as a corrected complaint. However, corrections to the complaint must be made through a motion to amend and an amended complaint. Student's notice of errata did not constitute an amended complaint, but an attempt to correct some information contained in the complaint. As such, La Mesa-Spring Valley's request for reconsideration is granted. La Mesa-Spring Valley's Notice of Insufficiency will be considered as to the initial 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 must include the student's name, the address of the student's residence; and the name of the school the student is attending. (20 U.S.C. § 1415(b)(7)(A)(ii)(I).)

A complaint is sufficient if it 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; includes facts about the problem; and 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.].) 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.)

The statute of limitations for special education cases in California is two years from the date the party initiating the request knew or had reason to know of the facts underlying the basis for the request. (20 U.S.C. §1415(b)(6)(B) and (f)(3)(C); Ed. Code, § 56505, subd. (l).) Both the IDEA and California Special Education law establish

exceptions to the statute of limitations in cases in which the parent was prevented from filing a request for due process. The statute of limitations does not apply in cases where a party is prevented from filing a complaint due to specific misrepresentations by the local educational agency that it had resolved the problem forming the basis of the complaint; or when a party is prevented from filing due to the local educational agency's withholding of information that was required by statute to be provided to the parent. (20 U.S.C. § 1415(f)(3)(D); Ed. Code § 56505, subd. (l)(1) and (2).)

Student's complaint alleges six issues with numerous subparts. La Mesa-Spring Valley contends the complaint in its entirety is insufficient because it fails to clearly identify which facts are associated with each issue. La Mesa-Spring Valley argues that it cannot understand which facts support issues arising before or after May 3, 2023. La Mesa-Spring Valley further contends the complaint fails to include any facts supporting Issues 2 and 4, for the 2018-2019 and 2020-2021 school years. La Mesa-Spring Valley contends Issues 1, 2, 3, 4, 5, and 6(a) are insufficient as the complaint fails to include sufficient facts to extend the statute of limitations.

As to Issues 1 through 6(d)(iv)(6), Student's complaint includes a "2022-2023, School Year, including ESY 2023" section that states adequate facts about the problems during the school years alleged. The complaint alleges facts supporting child find allegations from the 2017-2018 school year through May 3, 2023, and other FAPE denial allegations in the 2022-2023 school year, including extended school year, from May 3, 2023. La Mesa-Spring Valley argues that Student intermittently refers to multiple school years when discussing the May 3, 2023, assessment and IEP team meeting, and did not tie any facts stated to the list of issues at the end of the complaint. A sufficient notice pleading does not require such details to be provided. Student's complaint provides La Mesa-Spring Valley an awareness and understanding of the issues forming

the basis of the complaint such that they know how to prepare for the hearing and how to participate in resolution sessions and mediation. Student's complaint sufficiently pleads facts supporting Issues 1 through 6(d)(iv)(6). Thus, Issues 1 through 6(d)(iv)(6) are sufficient.

As to Issues 1, 2, 3, 4, 5, and 6(a), La Mesa-Spring Valley contends Student failed to plead facts necessary to support an exception to the two-year statute of limitations. La Mesa-Spring Valley challenges whether Student may extend the statute of limitations and contends there are no allegations that La Mesa-Spring Valley made any misrepresentations or failed to provide procedural safeguards. Student's complaint expressly indicates an intent to seek an extension of the statute of limitations. The complaint includes adequate facts pertaining to issues outside of the two-year timeframe, as determined above. Additionally, the complaint identifies the basis sought to extend as withholding information from Parent, in that it alleges Parent did not have information about procedural safeguards regarding La Mesa-Spring Valley's child find obligations. Issues 1, 2,3, 4, 5, and 6(a) are sufficient to provide La Mesa-Spring Valley with an awareness and understanding of the issues forming the basis of Student's complaint as to issues alleged as being outside of the statute of limitations. Student's complaint, therefore, provides La Mesa-Spring Valley with enough information to prepare for a resolution session, mediation, and hearing on such issues.

La Mesa-Spring Valley argues that Student's complaint is insufficient because it fails to list Student's residence address and current school. The complaint provides an address in Spring Valley. While the complaint indicates Student is in a San Diego County group home, until La Mesa-Spring Valley provides reason to believe the address listed is not Student's residence address, the complaint includes the required information. A complaint is also required to list the student's school of attendance. The

complaint states that Student attended Northmont Elementary School during the 2023-2024 school year and was previously enrolled at Bancroft Elementary and STEAM Academy within La Mesa-Spring Valley's boundaries during the other school years at issue. The complaint further states that Student is not currently enrolled in a La Mesa-Spring Valley school. Student's complaint failed to include Student's current school of attendance. Thus, Student's complaint is insufficient on this basis.

ORDER

1. Student's issues are sufficient under title 20 United States Code section 1415(b)(7)(A)(ii)(III).
2. Student's complaint is insufficiently plead under title 20 United States Code section 1415(b)(7)(A)(ii)(I) because Student failed to include Student's current school of attendance.
3. Student shall be permitted to file an amended complaint under title 20 United States Code section 1415(c)(2)(E)(i)(II).
4. 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.

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.

Jeanie Min

Jeanie Min

Administrative Law Judge

Office of Administrative Hearings