BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

RAMONA UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024010046

ORDER FINDING DUE PROCESS COMPLAINT PARTIALLY SUFFICIENT AND PARTIALLY INSUFFICIENT

JANUARY 18, 2024

On January 2, 2024, Parent on behalf of Student filed a due process hearing request, called a complaint, with the Office of Administrative Hearings naming Ramona Unified School District. The Office of Administrative Hearings is called OAH. Ramona Unified School District is called Ramona Unified.

On January 17, 2024, Ramona Unified filed a notice of insufficiency as to the 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, called a 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)(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, and 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 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.

Student's complaint alleges in three claims that Romona Unified denied Student a FAPE for the 2021-2022 school year and extended school year, the 2022-2023 school year and extended school year, and the 2023-2024 school year. Each claim has multiple subparts alleging Ramona Unified failed to offer necessary services to address Student's educational needs, and failed to implement Student's individualized education programs, called IEPs.

Student's claims are supported by allegations that Ramona Unified maintained the same level of specialized academic instruction, speech services, and social emotional counseling, or reduced Student's instruction and services, despite Student falling further behind in the curriculum and demonstrating well below average communication skills. The complaint alleges that Ramona Unified knew that Student had communication and attention problems, could not duplicate alleged classroom performance on tests and quizzes, and started arranging for other students to take his exams for him.

Ramona Unified argues that facts are not alleged for the 2022 and 2023 extended school years. However, Student alleges specific failures to address Student's needs, and each claim clearly designates that these failures continued from the 2021-2022 and 2022-2023 school years into the 2022 and 2023 extended school years.

Ramona Unified argues that insufficient facts are alleged to support a claim that Student should have been assessed for functional behavior. Student alleges that by 2023, he was struggling to complete schoolwork, needed teacher encouragement to continue, left the room during a test, and had been arranging for other students to take his tests. These facts can be liberally construed to support Student's claims that he

should have been assessed for functional behavior in the classroom during the school years at issue.

Ramona Unified contends that Student fails to allege any facts at Issue 1 to support claims beyond the statute of limitations. Ramona Unified is correct. Student does not allege that Parent was prevented from filing a due process request earlier on claims arising prior to January 2, 2021, due to specific misrepresentations by Ramona Unified or because Ramona Unified withheld required information from Parent. Accordingly, Student fails to allege an exception to the two-year statute of limitations, and Issue 1 is insufficient as to claims arising before January 2, 2021.

Student's complaint identifies the issues and adequate facts about the claims arising on or after January 2, 2021, to permit Ramons Unified to respond and participate in a resolution session and mediation. Student's complaint is insufficient as to claims in Issue 1 arising prior to January 2, 2021.

ORDER

1. Issues 1, 2, and 3 of Student's complaint as to claims on or after January 2, 2021, are sufficient under title 20 Unites States Code section 1415(b)(7)(A)(ii).
2. Issue 1 of Student's complaint as to claims arising before January 2, 2021. is insufficiently pled under title 20 United States Code section 1415(c)(2)(D).
3. Student will be permitted to file an amended complaint under title 20 United States Code section 1415(c)(2)(E)(i)(II).
4. The amended complaint must comply with the requirements of title 20 United States Code section 1415(b)(7)(A)(ii), and must be filed not later than 14 days from the date of this order. The filing of an amended complaint will restart the applicable timelines for a due process hearing.

5. If Student fails to file a timely amended complaint, the hearing shall proceed only on Issues 1, 2, and 3 of Student's complaint as to claims arising on or after January 2, 2021.

IT IS SO ORDERED.

Alexa Hohensee

Alexa Hohensee
Administrative Law Judge
Office of Administrative Hearings