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 DUE PROCESS COMPLAINT PARTIALLY SUFFICIENT AND PARTIALLY INSUFFICIENT

JUNE 4, 2025

On May 16, 2025, Parents on behalf of Student filed a due process hearing request, called a complaint, with the Office of Administrative Hearings, referred to as 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.

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).) Here, the proof of service on the complaint is unclear and incomplete and it cannot be determined that the named parties received the complaint prior to filing a notice of representation on May 19, 2025. Accordingly, the notice of insufficiency filed June 2, 2025 is deemed timely.

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, 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.

The facts alleged in Student's complaint are generally sufficient. Student identifies three problems. First, Student alleges that Pacific and Sutter Peak failed to develop appropriate goals or offer related services to address Student's educational needs from third through twelfth grades, resulting in Student being at the kindergarten level in academics at the end of the 2024-2025 school year when she is scheduled to graduate. Second, Student alleges Pacific and Sutter Peak failed to develop appropriate transition plans for the 2022-2023, 2023-2024, and 2024-2025 school years. Lastly, Student alleges Pacific and Sutter Peak interfered with Parent's opportunity to participate in the decisionmaking process by predetermining Student would be on a diploma track and graduate with a regular high school diploma at the end of the 2024-2025 school year.

Student's complaint generally identifies the issues and adequate facts about the problem to permit Pacific and Sutter Peak to respond and participate in a resolution session and mediation. However, as argued by Pacific and Stutter's Peak, Student's

claims fail to allege exceptions to the statute of limitations despite alleging claims arising more than two years prior to the filing of Student's complaint.

Claims 1 and 2 include alleged wrongs committed prior to May 16, 2023, more than two years before Student filed the complaint. Student's claim 3 does not give a specific date beyond the school year in which Student graduates, elsewhere alleged as the 2024-2025 school year, but any attempt to extend Claim 3 to actions earlier than May 16, 2023 would similarly be impermissible under the statute of limitations.

Student contends that exceptions to the statute of limitations apply, but Student did not allege Parents were prevented from filing the complaint because Pacific or Sutter Peak made specific misrepresentations that they had resolved the problems forming the bases of Student's claims, or withheld information from Parents required to be provided. Therefore, Student has failed to state sufficient facts supporting any portion of claims 1, 2, or 3 extending beyond May 16, 2023, and those portions of claims 1, 2, and 3 are insufficient.

## ORDER

1. Issues 1, 2, and 3 of Student's complaint are partially sufficient under title 20, United States Code section 1415(b)(7)(A)(ii), but insufficiently pled under title 20 United States Code section 1415(c)(2)(D) as to claims arising prior to May 16, 2023.
2. Student will be permitted to file an amended complaint under title 20 United States Code section 1415(c)(2)(E)(i)(II).
3. The 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 an amended complaint will restart the applicable timelines for a due process hearing.

4. If Student fails to file a timely amended complaint, the hearing shall proceed as to Issues 1, 2, and 3 of Student's complaint as to claims arising on or after May 16, 2023, only.

Alexa Hohensee

Alexa Hohensee
Administrative Law Judge
Office of Administrative Hearings