BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

PETALUMA CITY SCHOOLS.

OAH CASE NUMBER 2025060277

ORDER DETERMINING DUE PROCESS COMPLAINT SUFFICIENT AS TO ALL CLAIMS FROM 2020-2021 THROUGH 2024-2025 SCHOOL YEARS, SUFFICIENT AS TO ISSUES 2 AND 3, AND SUFFICIENT AS TO ISSUE 5 FOR THE 2023-2024 AND 2024-2025 SCHOOL YEARS ONLY

JULY 18, 2025

On June 6, 2025, Parents on behalf of Student filed a due process hearing request, called a complaint, with the Office of Administrative Hearings, naming Petaluma City Schools. The Office of Administrative Hearings is called OAH. Petaluma City Schools is called Petaluma.

On June 23, 2025, OAH issued an order finding Student's claims arising from June 6, 2023, through June 6, 2025, in Issues 1, 3a, 3b, 3e, 5, 6, and 7, to be sufficient, and claims arising prior to June 6, 2023, and Issues 2, 3c, 3d, and 4 to be insufficient, with leave to amend. On July 1, 2025, OAH issued an order on reconsideration finding Issue 4 to be sufficient for claims occurring June 6, 2023, through June 6, 2025.

On July 7, 2025, Student filed a timely amended complaint. On July 14, 2025, Petaluma filed a notice of insufficiency as to Issues 2, 3c, and 3d, and all claims prior to June 6, 2023, in the amended complaint. No response was received from Student.

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 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 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).) Education Code section 56505, subdivision (l) provides that a complaint arising under subdivision (a) of Section 56501 shall be filed within 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. In accordance with Section 1415(f)(3)(D) of title 20 of the United States Code, the time period specified in this subdivision does not apply to a parent if the parent was prevented from requesting the due process hearing due to either of the following:

1. specific misrepresentation by the local educational agency that it had solved the problem forming the basis of the due process hearing request; or

2. the withholding of information by the local educational agency from the parent that was required under this part to be provided to the parent.

Student's amended complaint alleges six contentions, called Issues 1 through 6. Issues 1 through 5 raise claims beyond the two-year statute of limitations, starting from the 2020-2021 school year. Petaluma argues that the allegations in Issues 2, 3 and 5 of the amended complaint are vague, confusing, and fail to put Petaluma on notice of the claims.

Throughout the amended complaint, Student alleges that Parents repeatedly requested educational supports for Student during the 2020-2021 through 2023-2024, school years, which occurred more than two years to the filing of Student's complaint. The amended complaint includes factual detail regarding both Student's ongoing educational problems and Parents' efforts to obtain support for her child. On these facts, until February 2024, Petaluma allegedly steered Student into a general education supports system, called a 504 plan, without informing Parents of Student's right to be assessed for, and receive if eligible, special education services under an individualized education program, or IEP. Allegations of Petaluma's failure to inform Parents of these important rights, either by a legally sufficient prior written notice or a copy of procedural rights and safeguards, are sufficient to state an exception to the statute of limitations for the 2020-2021 through 2023-2024 school years on all claims arising prior to June 6, 2023.

Issue 2 alleges Petaluma failed to provide Parents with required prior written notices or procedural safeguards in response to Parents' requests. Student alleges for the 2020-2021 school year, in June 2021, he provided a doctor's letter requesting IEP accommodations and Parents requested a 504 plan. In response, Petaluma misrepresented that a 504 plan meeting was being planned for the beginning of the 2021-2022 school year, which it was not. For the 2021-2022 school year, Student alleges that a 504 plan was eventually held and created, and Petaluma continued to

withhold information on Student's right to be assessed for special education before, during, or after the 504 plan meeting. Throughout the 2022-2023 and 2023-2024 school years, Parent allegedly requested more school supports for her child, but Student was not assessed or qualified for special education until spring 2024. These factual allegations are sufficient to describe Student's claim at Issue 2 for withholding required information from Parent, resulting in a denial of FAPE because Student was not timely assessed and qualified for special education.

At Issue 3, sub-issues a through e, Student alleges that from the 2020-2021, through 2024-2025 school years, Petaluma impeded Parents from meaningfully participating in Student's IEP process by failing to consider Parents' concerns, failing to consider independent recommendations for services, failing to consider teacher concerns, misrepresenting Student's levels of performance, and failing to discuss placement offers. The amended complaint includes significant detail about Student's problems at school, Parents relaying their concerns and those of independent professionals to Petaluma, teacher reports and acknowledgement to Parents of Student's difficulties, and procedural errors at Student's IEP team meetings. These factual allegations are sufficient to describe Student's claims against Petaluma at Issues 3a through 3e, including Issues 3c and 3d. These claims overlap somewhat with Issue 2, claims, but do not rely on the absence of copies of parent rights and procedural safeguards, so may be separately alleged.

At Issue 5, Student alleges that from the 2020-2021 through 2025-2026 school years, he was denied a FAPE because Petaluma failed to offer him an IEP with appropriate goals, placement in a nonpublic school, one-to-one academic instruction, and appropriate mental health, behavior, speech, and occupational therapy services. However, the amended complaint also alleges that Student was not offered an IEP until

February 16, 2024, during the 2023-2024 school year. Accordingly, there are no facts to describe Student's claim regarding IEP offers in the 2020-2021, 2021-2022, or 2022-2023 school years.

In addition, the amended complaint is devoid of factual allegations for the 2025-2026 school year, which likely had not begun by the time of the filing of the amended complaint. However, the amended complaint describes Student's allegedly unmet needs in sufficient detail to give Petaluma notice of the alleged deficiencies in the IEP offers of FAPE for the 2023-2024 and 2024-2025 school years. In summary, there are insufficient facts to describe Student's claims at Issue 5 for the 2020-2021, 2021-2022, 2022-2023, or 2025-2026 school years, but Issue 5 is sufficient as to the 2023-2024 and 2024-2025 school years.

ORDER

1. Student's claims in the amended complaint occurring during the 2020-2021, through 2022-2023 school years are not barred by the statute of limitations and are sufficient under title 20 United States Code section 1415(b)(7)(A)(ii).

2. Issues 2 and 3 of the amended complaint are sufficient under title 20 United States Code section 1415(b)(7)(A)(ii).

3. Issue 5 of the amended is sufficient as to the IEPs developed during the 2023-2024 and 2024-2025 school years under title 20 United States Code section 1415(b)(7)(A)(ii). Issue 5 is insufficient as to the 2020-2021, 2021-2022, 2022-2023, and 2025-2026 school years under title 20 United States Code section 1415(c)(2)(D).

4. Student shall be permitted to file a second amended complaint under title 20, United States Code section 1415(c)(2)(E)(i)(II).

5. The second amended complaint shall 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 second amended complaint will restart the applicable timelines for a due process hearing.

6. If Student fails to file a timely second amended complaint, the hearing shall proceed on all Issues, from the 2020-2021 through 2024-2025 school years, with the exception of Issue 5, which is limited to the 2023-2024 and 2024-2025 school years.

Alexa Hohensee

Alexa Hohensee
Administrative Law Judge
Office of Administrative Hearings