BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

NATOMAS UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025041104

ORDER DETERMINING DUE PROCESS COMPLAINT SUFFICIENT

MAY 13, 2025

On April 25, 2025, Parents, on behalf of Student, filed a Due Process Hearing Request, also called a complaint, with the Office of Administrative Hearings, called OAH, naming Natomas Unified School District as respondent. On May 9, 2025, Natomas filed a Notice of Insufficiency as to the complaint.

APPLICABLE LAW

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 party has the right to file a notice asserting a complaint is insufficient within 15 days of receiving a request for due process hearing. (20 U.S.C. § 1415 (c)(2)(C); Ed. Code § 56502, subd. ((d)(1).) 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; 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 Individuals with Disabilities Education Act, or 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.] 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 46541, 46699.)

DISCUSSION

Natomas asserts that Student's complaint is insufficient "to the extent" it asserts claims that predate a time period two years prior to the complaint's filing date. Natomas contends that Student's claims are insufficient unless the factual basis for any assertion that extends the statute of limitations is specifically pled. Natomas offers no persuasive authority for this assertion.

The IDEA allows states to establish their own statute of limitations for special education cases. (20 U.S.C. §1415(b)(6)(B) and (f)(3)(C).) In California, the statute of limitations 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. (Ed. Code, § 56505, subd. (l).) There are two exceptions that eliminate the statute of limitations. The first applies when parent is prevented from requesting a due process hearing because the local educational agency made a specific misrepresentation that a problem raised in the due process hearing request was solved. The second applies when Parent was prevented from filing a due process hearing request because the local educational agency withheld information it was required to provide pursuant to the IDEA or California special education law. (Ed. Code § 56505, subd. (l)(1) or (2).)

Minimal pleading standards apply to requests for due process pursuant to the Individuals with Disabilities Education Act. (*Schaffer ex rel. Schaffer v. Weast* (2005) 546 U.S. 49, 54 [126 S.Ct. 528, 163 L.Ed.2d 387].) All that is required in a due process hearing complaint is a description of *the nature of the problem of the child related to an IDEA or California special education law violation, including facts relating to the problem and a proposed resolution of the problem* to the extent known to the party at the time of filing. (Ed. Code §56502(c)(1)(C) and (D); 20 U.S.C. § 1415 (b)(7)(B)(iii), emphasis added.) Student's complaint met these requirements.

Pursuant to statutory requirements, Student's complaint identifies the problems related to the IDEA: that during the 2022-2023, 2023-2024 and 2024-2025 school years, Natomas failed to identify and make the student eligible for special education, that they failed to properly assess the child and they failed to offer adequate placement, services and goals to address Student's needs. Student offers proposed resolutions in the complaint to address these problems. Natomas is on notice that Student's claims started at some point in the 2022-2023 school year.

A party's assertion that a statute of limitations bars a petitioner's claims is an affirmative defense. Natomas identifies no legal requirement that Student's request for due process hearing plead facts establishing Student has a response to Natomas' potential affirmative defense. Natomas asserts that, pursuant to 20 United States Code section 1415 (f)((3)(C) and California Education Code section 56505, subd. (l), Student must allege facts in the complaint to support the tolling of the statute of limitations. However, neither of those statutes mandate any pleading requirements specific to the statute of limitations. Rather, each of the cited code sections simply state of the statute of limitations laws in the IDEA and in California, respectively. Nor are the prior OAH orders Natomas cites persuasive on this issue. Prior OAH orders are not precedential. (Cal. Code. Regs. tit. 5, § 3085.)

In addition to the two prior OAH orders Natomas referenced, it also cites to three California Superior Court civil procedure rulings related to civil court pleadings. The quotations are out of context, and involve pleading standards that do not align with the minimal pleading standards or procedures applicable in special education administrative cases. (*Schaffer, supra,* 546 U.S. at p. 54.)

Investors Equity Life Holding Co. v. Schmidt (2011) 195 Cal. App. 4th 1519, was a case regarding the insolvency of a Hawaiian life insurance company subject to

liquidation and its sole owner's claims of unlawful taking, denial of due process, fraud, and breach of fiduciary duty among others. The case addresses the defendants' motion to stay or dismiss for forum non conveniens, asserting the case should have been filed in Hawaii. While the case has an ancillary issue of statute of limitations, the parties stipulated to the statute being tolled on a limited basis, pending refiling in Hawaii. Natomas' citation is out of context and does not apply to the facts of this administrative case. Similarly, the case of *Czajkowski v. Haskell & White, LLP* (2012) 208 Cal. App. 4th 166, involved a demurrer to a complaint in a case brought by the former officer of a company forced to cease operations due primarily to its liability for unpaid payroll taxes. Again, the offered legal citation is taken out of context. A demurrer in California civil court does not have analogous procedural requirements to a notice of insufficiency in a special education due process hearing request.

Finally, Natomas cites to the case of *Dang v. Smith* (2010) 190 Cal. App. 4th 646, 657. This case involved a verified complaint in a legal malpractice lawsuit. The verification of complaints changes the evidentiary nature of the complaint's information. Natomas has offered no persuasive legal authority establishing that pleaded facts are conclusively deemed true against the pleader in cases in which the facts pled are not verified. OAH does not require that requests for due process hearings be verified.

Natomas has failed to offer any legal authority requiring Student to plead all facts necessary to establish any claim extending the statute of limitations. Here, the facts alleged in Student's complaint as to the special education problem and proposed resolutions are sufficient, as they identify the issues and adequate facts about the problem to permit Natomas to respond and participate in a resolution session and mediation. Therefore, the claims stated in Student's due process hearing request are sufficient.

ORDER

1. The complaint is sufficient under title 20 United States Code section 1415(b)(7)(A)(ii).
2. All mediation, prehearing conference, and hearing dates in this matter are confirmed.

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl
Administrative Law Judge
Office of Administrative Hearings