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 PARTIALLY SUFFICIENT

JUNE 23, 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. On June 20, 2025, Petaluma City filed a timely 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 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. (*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.]; but cf. *M.S.-G v. Lenape Regional High School Dist. Bd. Of Educ.* (3d Cir. 2009) 306 Fed.Appx. 772, 775 [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 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 complaint describes seven contentions, referred to as Issues 1 through 7. Issue 1 through 5, raises claims beyond the two-year statute of limitations, starting from the 2020-2021 school year. Petaluma contends the complaint fails to provide enough information about its alleged misrepresentation or withholding of information that would allow Student to pursue claims before June 6, 2023, two years before the filing of the complaint.

Petaluma also contends the complaint's Issues 1, 2, 3, 4, 5, and 7, are insufficiently plead. Petaluma argues Issue 1 is insufficient because the complaint fails to provide enough information about Petaluma's alleged failure to assess Student in all area of suspected need. Petaluma also contends Issue 2 is insufficiently plead because the

complaint fails to identify when Petaluma failed to provide Parents prior written notices or procedural safeguards.

Issue 3 of the complaint describes five ways in which Petaluma allegedly impeded Parents from meaningfully participating in Student's individualized education program, called IEP, process, referred to as Issues 3a, through 3e. Petaluma contends the complaint fails to plead sufficient facts about when the claims forming the basis of Issues 3a, through 3e occurred.

Petaluma further contends Issue 4 is insufficient because the complaint fails to describe what changed circumstances warranted an IEP team meeting to be convened by Petaluma. Petaluma also contends Issues 5 and 7 are insufficiently plead because the complaint fails to describe when or which IEPs Student claims Petaluma failed to offer an appropriate program or home instruction. Petaluma does not challenge the sufficiency of the complaint as to Issue 6.

Student's complaint fails to sufficiently plead an exception to the two-year statute of limitations. On page 29 of the complaint, Student contends he is raising contentions outside the two-year statute of limitations. However, the complaint fails to sufficiently explain what information, and when, was misrepresented or withheld by Petaluma that impeded Parents from timely filing a complaint. For example, paragraphs 46 and 78 of the complaint alleges Petaluma failed to provide Parents with procedural safeguards in June 2021, and October 2023. However, the complaint does not explain if Petaluma also failed to provide Parents procedural safeguards during any other period, and as a result impeded Parents from timely filing a complaint for claims occurring prior to June 6, 2023.

Furthermore, the issue statement that Petaluma misrepresented Student's present levels of performance in IEP team meetings without a further description to support the claim, is insufficient to put Petaluma on notice of what, and when, the alleged misrepresentations were made that would allow Student pursue claims beyond June 6, 2023. The complaint fails to describe enough information about Petaluma's alleged misrepresentation or withholding of information to provide Petaluma with an awareness and understanding of an exception to the two-year statutes of limitations. Accordingly, Student's complaint is insufficiently plead as to claims prior to June 6, 2023.

Issue 1of the complaint is sufficient. The complaint explains that Petaluma was aware of Student's deficits that warranted assessments in behavior, assistive technology, mental health, speech, occupational therapy, and psychoeducation. The complaint provides enough information about Petaluma's alleged failure to assess Student in the areas described, to provide Petaluma with an awareness and understanding of Student's assessment claims in Issue 1. Accordingly, Issue 1 is sufficient for claims occurring from June 6, 2023, through June 6, 2025.

Issue 2 of the complaint is insufficiently plead. According to the complaint, on or about January 2025, Petaluma provided Parents with notice denying Parents' request for funding of private services. The complaint also explains Petaluma provide Parents prior written notice in spring 2025, denying Parents' request for funding for Student's occupational therapy services and private classes. However, the complaint fails to provide enough information about any other proposal or refusal regarding the identification, evaluation, or educational placement of Student, or the provision of a FAPE to Student that necessitated a prior written notice and procedural safeguards from Petaluma. (20 U.S.C. § 1415(b)(3).)

The complaint fails to include enough information about Petaluma's alleged failures to provide Parents with prior written notices and procedural safeguards, to provide Petaluma with an awareness and understanding of the claims forming the basis of Issue 2. Accordingly, Issue 2 is insufficient.

The complaint sufficiently describes facts forming the basis of Issues 3a, 3b, and 3e. For Issue 3a, the complaint describes Parents' concerns reported to Petaluma regarding Student's academic deficits, and social-emotional, mental health, and behavioral challenges during the 2023-2024, and 2024-2025 school years. The complaint also describes the independent psychoeducational assessment by Dr. Julia VanderVennet, which Student's IEP team reviewed on October 14, 2024. The complaint describes the recommendations by Dr. VanderVennet which form the basis of Issue 3b.

The complaint also describes Student's absence from school in the 2023-2024 school year, and his attendance at a nonpublic school during the 2024-2025 school year, that form the basis of Issue 3e regarding Petaluma's alleged failure to consider placement options. The complaint provides enough information about the claims in Issues 3a, 3b, and 3e, to allow Petaluma to prepare a defense against the claims. Accordingly, the complaint is sufficient as to Issues 3a, 3b, and 3e for claims occurring from June 6, 2023, through June 6, 2025.

However, the complaint fails in Issues 3c and 3d, to sufficiently describe facts about Petaluma's alleged failures to consider the concerns of general education teachers from June 6, 2023, through June 6, 2025, or misrepresentations about Student's present levels of performance at IEP team meetings during the same period. The complaint lacks enough information to provide Petaluma with an awareness and understanding of the problems in Issues 3c and 3d, to allow it to prepare a defense. Accordingly, Issues 3c and 3d are insufficiently plead.

Issue 4 of the complaint is sufficient for claims occurring between June 6, 2023, and June 6, 2025. The complaint provides descriptions of Student's worsening mental health and social-emotional functioning during the 2023-2024 and 2024-2025 school years, which Student claims Petaluma was aware of, but failed to convene an IEP team meeting to address. The complaint sufficiently describes the circumstances forming the basis of Issue 4, to enable Petaluma to prepare a defense against the claim.

Furthermore, the complaint provides enough information as to when and what IEP offers form the basis of Issues 5 and 7. According to the complaint, Student was offered an IEP on February 16, 2024. Subsequent IEP team meetings were held, resulting in various offers of FAPE. The complaint also describes Petaluma's alleged failure to offer appropriate home instruction during the 2023-2024, and 2024-2025 school years when he stopped attending school because of social-emotional and mental health difficulties.

Liberally read, the complaint provides enough information to provide Petaluma with an understanding of when the problems occurred, which form the basis of Issues 5 and 7, to allow it to prepare a defense. Accordingly, Issues 5 and 7 are sufficient for claims occurring from June 6, 2023, through June 6, 2025.

ORDER

1. Claims occurring from June 6, 2023, through June 6, 2025, in Issues 1, 3a, 3b, 3e, 5, 6, and 7 of Student's complaint, are sufficient under title 20 United States Code section 1415(b)(7)(A)(ii).
2. Issues 2, 3c, 3d, and 4 of Student's complaint, and claims occurring prior to June 6, 2023, are insufficiently plead under title 20 United States Code section 1415(c)(2)(D).

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 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.
5. If Student fails to file a timely amended complaint, the hearing shall proceed only on Issues 1, 3a, 3b, 3e, 5, 6, and 7 in Student's complaint, for claims occurring from June 6, 2023, through June 6, 2025.

Rommel P. Cruz

Rommel P. Cruz
Administrative Law Judge
Office of Administrative Hearings