BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

MILPITAS UNIFIED SCHOOL DISTRICT AND SANTA CLARA COUNTY OFFICE OF EDUCATION.

OAH CASE NUMBER 2025050316

ORDER DETERMINING DUE PROCESS COMPLAINT SUFFICIENT

MAY 23, 2025

On May 8, 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 Milpitas Unified School District and Santa Clara County Office of Education as respondents. On May 22, 2025, Milpitas filed a Notice of Insufficiency as to the complaint asserting that all claims predating May 8, 2023, should be dismissed.

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: 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 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.)

DISMISSAL IS NOT AVAILABLE ON A MOTION FOR INSUFFICIENCY

Milpitas has filed a notice of insufficiency, but requests dismissal of claims predating May 8, 2023, on the grounds that the complaint does not plead facts showing a basis for extending the statute of limitations or for application of either exception to the statute of limitations. Dismissal is not warranted on a notice of insufficiency. Rather, an ALJ determines whether the complaint is sufficient and, if it is not, allows the filing party to amend their complaint.

Milpitas argues the complaint is "insufficient" and therefore Student's claims predating the statute of limitations should be dismissed. However, Milpitas admits it is on notice that Student has pled claims from the 2022-2023 school year through the 2024-2025 school year.

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 meets 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," Milpitas failed to convene IEP meetings when Student failed to make progress, failed to offer goals and services to address Student's needs and violated IDEA and California special education law procedures including convening IEP team meetings with all required members, and providing all educational records on request Student offers proposed resolutions in the complaint to address these problems, among others. Milpitas is on notice that Student's claims started at some point in the 2022-2023 school year.

The facts alleged in Student's complaint are sufficient to put Milpitas on notice of the issues to participate in resolution session, mediation.

ORDER

1. The complaint is sufficient under title 20 United States Code section 1415(b)(7)(A)(ii).
2. Claims predating May 8, 2023, will not be dismissed pursuant to this notice of insufficiency.
3. All prehearing conference and hearing dates in this matter are confirmed.
4. Nothing in this order precludes the hearing ALJ from further refining the issues, including addressing the timeframe at issue in this case, during the prehearing conference, or at the outset of the hearing.

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl
Administrative Law Judge
Office of Administrative Hearings