BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

ESCONDIDO UNION SCHOOL DISTRICT.

OAH CASE NUMBER 2026020751

ORDER DETERMINING DUE PROCESS COMPLAINT INSUFFICIENT

MARCH 9, 2026

On February 18, 2026, Parent, on behalf of Student, filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Escondido Union School District as respondent. On March 5, 2025, Escondido filed a Notice of Insufficiency as to the complaint, stating the claims failed to allege facts sufficient to "toll" the statute of limitations. Escondido also complained the complaint failed to allege adequate facts to put it on notice of the claims asserted. Escondido requested that Student not be allowed leave to amend "because the Complaint is silent as to the legal or factual basis supporting an extension of the statute of limitations.

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 Fed. Reg. 46541, 46699.)

Within five days of receipt of a notice of insufficiency, a determination must be made on the face of the notice of whether the complaint meets the requirements of title 20 United States Code section 1415 (b)(7)(A), and shall immediately notify the parties of writing of such determination. (20 U.S.C. § 1415 (c)(2)(D); 34 C.F.R 300.508 (d) (2).)

STATUTE OF LIMITATIONS ALLEGATIONS INSUFFICIENT

Student's complaint alleges the district conducted a multidisciplinary assessment dated February 13, 2024, that was used to create Student's February 13, 2024, IEP. Student further alleged that counsel first discovered that Student had undergone assessment in February 2024 when she reviewed records and "Parents had no prior notice that these matters existed and therefore could have not asserted them earlier." Student alleged Parents acted promptly upon "discovery of the statute of limitations" and no prejudice would result from permitting Parent to raise issues related to the February 13, 2024, multidisciplinary assessment and IEP. The complaint was filed on February 18, 2026.

Escondido argues the statute of limitations is a claims filed statute, meaning the deadline for filing is calculated from the filing date and, in special education cases, is two years from that date unless Student alleges facts constituting an exception to the two-year statute of limitations. Escondido asserts no persuasive legal authority supporting this argument. Prior orders and decisions rendered in special education due process hearing proceedings are not binding authority in subsequent proceedings. (tit. 5 Cal. Code. Regs. § 3085.)

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).) This is a discovery based statute of limitations as opposed to a claims-filed statute of limitations. Here, Student asserts, "Parents had no prior notice that these matters existed and therefore could have not asserted them earlier." Student also alleged Parents acted promptly upon "discovery of the statute of limitations" Clearly, Student's intention is to allege an extension of the basic statute of limitations based on when Parents knew, or had reason to know, of the facts underlying the basis for their request for due process. However, Parents have not alleged adequate facts to state a discovery claim.

It is unclear what Parents mean by the allegation that they "had no prior notice that these matters existed." The "matters" referenced are not described. The only matters alleged are counsel's discovery of the fact of the February 13, 2024, assessment. Student has not alleged when or how Parents knew or had reason to know of the facts underlying the basis for the request for due process.

INSUFFICIENT FACTS DESCRIBING CLAIMS ALLEGED

Student is required to allege facts to put Escondido on notice of the claims being asserted. Student's complaint alleges the multidisciplinary assessment failed to meet legal standards because it did not include an academic assessment. However, the allegations regarding the inadequacies of the February 13, 2024, IEP offer, fails to allege facts describing how either the goals, or services, are inadequate. Student's issue 1b fails to include information that would allow Escondido to prepare for resolution session, mediation or hearing, and is, therefore, insufficient.

DISMISSAL OF CLAIMS DENIED

A notice of insufficiency is an opportunity for an opposing party to raise concerns that a complaint fails to meet the pleading requirements of the IDEA. (20 U.S.C. § 1415 (b)(7)(A) and (c)(2)(A).) Generally, OAH allows a party to amend a complaint found to be insufficient. (see, 20 U.S.C. § 1415(c)(2)(E).) Here, Student's complaint fails to plead adequate facts to put Escondido on notice of the basis for extending the statute of limitations due to a delay in Parent's discovery of the facts underlying all of Student's claims. The complaint also fails to allege adequate facts to allow Escondido to understand the substance of the claims. Student will be granted leave to amend his complaint.

ORDER

1. Student's complaint is insufficiently pled under section title 20 United States Code 1415(c)(2)(D).
2. Student shall be permitted to file an amended complaint under title 20 United States Code section 1415(c)(2)(E)(i)(II).
3. The amended complaint shall comply with the requirements of title 20 U.S.C. section 1415(b)(7)(A)(ii), and shall be filed not later than 14 days from the date of this order.

4. If Student fails to file a timely amended complaint, the complaint will be dismissed.
5. All dates previously set in this matter are vacated.

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl

Administrative Law Judge

Office of Administrative Hearings