

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

CAPISTRANO UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2014100989

ORDER GRANTING MOTION TO
BIFURCATE ISSUE OF STATUTE OF
LIMITATIONS

On October 22, 2014, Parents on behalf of Student filed with the Office of Administrative Hearings a due process hearing request naming Capistrano Unified School District as respondent. The complaint basically alleges two issues. In the first issue, Student contends that Capistrano has denied him a free appropriate public education for school years 2010-2011, 2011-2012, and 2012-2013. In the second issue, Student contends that the two-year statute of limitations does not apply because Capistrano made “specific misrepresentations that it had resolved the problems.”

On November 3, 2014, Capistrano filed a motion to bifurcate, to hear whether the two year statute of limitations bars Student’s claims prior to October 22, 2012. Student has not filed a response to the motion with OAH.

APPLICABLE LAW

Federal and state laws pertaining to special education due process administrative proceedings do not contain a specific reference to the procedure for bifurcating issues at trial. Such authority resides in the discretion of the administrative law judge, provided the separate hearings are conducive to judicial economy or efficient and expeditious use of judicial resources. (See Gov. Code, § 11507.3, subd. (b).)

Generally, OAH will bifurcate a hearing where the resolution of a threshold question will determine whether the remainder of a hearing will be necessary. For example, OAH will bifurcate the issue of whether a student is or was a resident of a school district named as a respondent in a complaint to determine if the district was appropriately named as a party. OAH has also bifurcated specific legal issues such as the statute of limitations because a determination of that issue may reduce or eliminate issues and determine whether the remainder of the hearing will be necessary. Bifurcation limiting parties or issues furthers judicial economy by dismissing a named respondent from a complaint, or by finding that no

complaint exists against a respondent due to the student's lack of residency, or that the issue is barred by the statute of limitations.

The statute of limitations for IDEA due process complaints in California is two years prior to the date of filing the request for due process. (Ed. Code § 56505, subd. (I); see also 20 U.S.C. § 1415(f)(3)(C).) However, title 20 United States Code section 1415(f)(3)(D) and Education Code section 56505, subdivision (I), establish exceptions to the statute of limitations, including where (i) the parent or student was prevented from filing a request for due process due to specific misrepresentations by the local educational agency that it had resolved the problem forming the basis of the complaint, or (ii) the local educational agency's withheld information from the parent or student that was required to be provided to the parent or student. These two narrow exceptions to the statute of limitations require factual determinations that can only be made after giving the parties an opportunity to develop the record.

DISCUSSION AND ORDER

Student's complaint alleges that Capistrano deprived Student a free appropriate public education for school years 2010-2011, 2011-2012, and 2012-2013. The statutory limitations period of two years (Ed. Code, § 56505 subs (I)) would bar Student's claims prior to October 22, 2012, which is the bulk of Student's claims. Student claims that the two-year limitations period is inapplicable in this matter because of "specific misrepresentations that Capistrano had solved the problem."

If Student cannot prove that she was prevented from filing a request for due process due to specific misrepresentations by one or both of the school districts that they had resolved the problem forming the basis of the complaint, then determining whether an exception to the statute of limitations applies would be essential to Student's claim, and whether the majority of Student's claims are barred, a finding of which would result in judicial economy by not requiring the parties from litigating barred claims. Student's non-opposition to this motion suggests that Student also wishes to avoid an investment in time and resources to prepare and present over two years of documentary evidence and witness testimony if Student's claims for those years are barred.

Accordingly, the Capistrano's motion to bifurcate the hearing on Student's complaint, with the issue of whether an exception to the statute of limitations exists to be heard first, is granted. The logistics of scheduling the bifurcated hearing and presentation of witnesses, the determination of the bifurcated issue, and the hearing of the remaining issues will be scheduled by the administrative law judge at the prehearing conference.

IT IS SO ORDERED.

DATE: November 12, 2014

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings