

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

PASADENA UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021100158

ORDER DENYING MOTION TO DISMISS FOR STATUTE OF
LIMITATIONS

NOVEMBER 17, 2021

On October 7, 2021, Student filed a Request for Due Process Hearing, also called a complaint, with the Office of Administrative Hearings, or OAH, naming Pasadena Unified School District as respondent.

On October 27, 2021, Pasadena filed a motion to dismiss the complaint on the grounds its claims were barred by the statute of limitations. On November 1, 2021, Student filed an opposition to the motion. On November 2, 2021, Pasadena filed a reply.

APPLICABLE LAW

The Individuals with Disabilities in Education Act, also called, the IDEA, prescribes a statute of limitations in a special education case that is two years from the date the filing party knew or should have known about the alleged action that forms the basis of the complaint, unless a state has a specific time limitation for requesting a special education due process hearing. (20 U.S.C. § 1415(f)(3)(C).) California has such a statute. It mandates that claims be limited to those filed two years from the date the filing party knew or had reason to know of the facts underlying the basis for the request. Additionally, California's statute provides for two exceptions to the limitations statute: 1) in cases of misrepresentation by the local educational agency that it had solved the problem forming the basis of the due process hearing request; and 2) in cases where there has been withholding of information by the local educational agency from the Parents that was required to be disclosed pursuant to Education code section 56504. The circumstances forming the exception to the statute of limitations must have prevented a parent or Student from filing a request for due process hearing. (Ed. Code §56505, subd. (l).) As a result, special education cases do not have a statute of limitations that is strictly based on the occurrence of Student's claim. (*Avila v. Spokane School District* 81, (9th Cir.2017) 852 F. 3d 936, 941-942.)

DISCUSSION

Pasadena asserts, without citing binding or persuasive legal authority, that Student's complaint must be dismissed because his claims predate October 7, 2019, and no facts were pled stating a basis for one of the applicable exceptions to the statute of limitations as enumerated in California Education Code section 56505, subdivision (l). Pasadena further asserts that, OAH does not have jurisdiction to hear Student's claims

because Student's allegations "do not meet the limited statutory requirements for extending the statute of limitations" and are thus outside OAH jurisdiction.

Pasadena's interpretation of the special education statute of limitations overlooks the fact that the applicable limitation period is not strictly bound by the date of the filing of Student's claims. California's two-year special education statute of limitations is based on "the date the filing party knew or had reason to know of the facts underlying the basis for the request." (Ed. Code §56505, subd. (l).) Additionally, no statute of limitations applies if one of the specified exceptions to the statute of limitations prevents a claim from being filed. (Ed. Code §56505, subd. (l)(1) and (2).)

Pasadena's position further overlooks the applicable special education pleading standard. 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].) Pasadena asks that OAH make a determination, based only on the pleadings, that Student is unable to establish the date parents "knew or had reason to know of the facts underlying the basis for the request;" or that there was a misrepresentation or withholding of information by a district that prevented Parent from filing a claim. Those determinations, however, are fact specific. The pleading requirements for special education cases do not require that Student plead every fact necessary to establish their case. As Pasadena acknowledges in its reply, this is an administrative action, and is not subject to the strict application of civil procedures.

Pasadena has been put on notice that Student may raise claims that arose prior to October 7, 2019. Pasadena did not file a Notice of Insufficiency asserting more specific facts were required, including the facts that would form the basis for extending or eliminating the statute of limitations (20 U.S.C. § 1415 (c)(2)(A); Ed. Code § 56502,

subd. (d)(1).) A ruling that a complaint is insufficient generally affords Student the opportunity to amend the complaint and add those facts necessary to meet the notice pleading standard. The IDEA and California state law specifically lay out the procedure by which the failure to state facts in a complaint can be remedied. Here, no Notice of Insufficiency was filed and, even had it been, facts are included in the complaint alleging a basis for extending the statute of limitations. Absent a timely request for a ruling of insufficiency, the complaint is deemed sufficient and proceeds to hearing as is. (20 U.S.C. § 1415 (c)(2)(A); Ed. Code § 56502 subd. (d)(1).) Student shall have the burden of proving entitlement to raise claims prior to October 7, 2019 at hearing.

Furthermore, there is no summary judgment process in special education cases. The IDEA specifically provides that, “[w]henver a complaint has been received under subsection (b)(6) or (k), the parents or the local educational agency involved in such complaint shall have an opportunity for an impartial due process hearing.” (20 U.S.C. 1415 (f)(1)(A).) Whether Student may raise claims pertaining to events that occurred prior to October 7, 2019, is a question of fact that must be adjudicated at hearing. The fact that Pasadena cites to a recent OAH Decision, determining whether Student’s claims predating two years from the date of filing were valid, as opposed to an order on a

motion to dismiss, demonstrates the requirement that evidence must be adduced at hearing and weighed by the trier of fact prior to a determination barring claims.

ORDER

1. Pasadena's motion to dismiss is denied.
2. The matter shall proceed as scheduled.

IT IS SO ORDERED.

Penelope S. Pahl

Penelope S. Pahl

Administrative Law Judge

Office of Administrative Hearings