BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

MERCED CITY SCHOOL DISTRICT AND MERCED UNION HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2025030078

ORDER DETERMINING DUE PROCESS COMPLAINT SUFFICIENT

MARCH 17, 2025

On February 26, 2025, 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 Merced City School District and Merced Union High School District. On March 13, 2025, Merced City and Merced Union filed a 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 for special education cases in California 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. (20 U.S.C. §1415(b)(6)(B) and (f)(3)(C); Ed. Code, § 56505, subd. (l).) Both the IDEA and California Special Education law establish exceptions to the statute of limitations in cases in which the parent was prevented from filing a request for due process. The statute of limitations does not apply in cases where a party is prevented from filing a complaint due to specific misrepresentations by the local educational agency that it had resolved the problem forming the basis of the complaint; or when a party is prevented from filing due to the local educational agency's withholding of information that was required by statute to be provided to the parent. (20 U.S.C. § 1415(f)(3)(D); Ed. Code § 56505, subd. (l)(1) and (2).)

Student's complaint alleges 21 issues. Merced City and Merced Union contend Issues 4, 5, 11, and 19 are insufficient as the complaint fails to include facts about the problems raised. Merced City and Merced Union contend Issues 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 18, and 19 are insufficient as the complaint fails to include sufficient facts to extend the statute of limitations.

As to Issues 4, 5, 11, and 19, Student's complaint includes a lengthy "Factual Allegations" section that states adequate facts about problem during the school years alleged. Merced City and Merced Union contend these issues are insufficiently pled because they do not include dates and times of, and the names of individuals involved in, the incidents alleged. A sufficient pleading does not require such details to be provided. Student's complaint provides Merced City and Merced Union an awareness and understanding of the issues forming the basis of the complaint such that they know how to prepare for the hearing and how to participate in resolution sessions and mediation. Student's Issues 4, 5, 11, and 19 are sufficient.

As to Issues 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 18, and 19, Merced City and Merced Union contend Student failed to plead facts necessary to support an exception to the two-year statute of limitations. They challenge whether Student may extend the statute of limitations. A complaint is required to include the threshold allegations necessary to filing a complaint under state and federal special education laws. (20 U.S.C. 1415(b)(7)(A); Ed. Code § 56502(c)(1).) Student's complaint expressly indicates an intent to seek an extension of the statute of limitations. The complaint includes adequate facts pertaining to the issues outside of the two-year timeframe. Additionally, the complaint identifies the basis sought to extend as misrepresentations and withholding information from Parents. Issues 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 18, and 19 are sufficient.

Merced City and Merced Union also identified disputed questions of fact regarding Parents' awareness of the injury that prevented a timely filing of a complaint. Any disputed facts are subject to an evidentiary hearing.

Merced City and Merced Union argues that Student's complaint is insufficient because it fails to list Student's current school. The complaint states that Student transferred to Merced Union High School District during the 2024-2025 school year, was enrolled at Merced High School, but is currently at home not attending school. The complaint contains the required information.

The issues alleged in Student's complaint are sufficient. Student's complaint also indicates an intent to seek an extension of the statute of limitations, and identifies the basis sought to extend. The complaint identifies the issues and adequate facts about the problem to permit Merced City and Merced Union to respond and participate in a resolution session and mediation. The proposed resolutions stated in Student's complaint also meet the statutorily required standard.

ORDER

1. The complaint is sufficient under title 20 United States Code section 1415(b)(7)(A)(ii).
2. All prehearing conference and hearing dates in this matter are confirmed.

Jeanie Min

Jeanie Min

Administrative Law Judge

Office of Administrative Hearings