BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025041059

ORDER DETERMINING DUE PROCESS COMPLAINT PARTIALLY SUFFICIENT

MAY 9, 2025

On April 22, 2025, Parents on behalf of Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings naming Los Angeles Unified School District. The Office of Administrative Hearings is called OAH. On May 6, 2025, Los Angeles Unified filed a timely Notice of Insufficiency as to the complaint. (20 U.S.C. § 1415(c)(2)(C); Ed. Code, § 56502, subd. (d)(1).)

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).

The purpose of the Individuals with Disabilities Education Act, called IDEA, is to ensure that all children with disabilities have available to them a free appropriate public education, called FAPE, and to protect the rights of those children and their parents. (20 U.S.C. § 1400(d)(1)(A), (B), and (C); see also Ed. Code, § 56000.) A party has the right to present a complaint with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a FAPE to the child. (20 U.S.C. § 1415(b)(6); Ed. Code, § 56501, subd. (a) [party has a right to present a complaint regarding matters involving proposal or refusal to initiate or change the identification, assessment, or educational placement of a child; the provision of a FAPE to a child; the refusal of a parent or guardian to consent to an assessment of a child; or a disagreement between a parent or guardian and the public education agency as to the availability of a program appropriate for a child, including the question of financial responsibility].) OAH's jurisdiction is limited to these matters. (*Wyner v. Manhattan Beach Unified School. Dist.* (9th Cir. 2000) 223 F.3d 1026, 1028-1029.)

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 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 in California is two years, consistent with federal law. (Ed. Code, § 56505, subd. (l); see also 20 U.S.C. § 1415(f)(3)(C).) Education Code section 56505, subdivision (l) provides that a complaint arising under subdivision (a) of section 56501 shall be filed within 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. In accordance with Section 1415(f)(3)(D) of title 20 of the United States Code, the time period specified in this subdivision does not apply to a parent if the parent was prevented from requesting the due process hearing due to either of the following:

1. specific misrepresentation by the local educational agency that it had solved the problem forming the basis of the due process hearing request; or
2. the withholding of information by the local educational agency from the parent that was required under this part to be provided to the parent.

Student's complaint raises various claims under the IDEA for violations that occurred since 2017. Los Angeles Unified contends the complaint is insufficiently plead to support claims beyond the two-year statute of limitations. Specifically, Los Angeles Unified argues the complaint lacks a sufficient description of the problems that would establish an exception to the two-year statute of limitations.

A liberal reading of the complaint finds the complaint is insufficient regarding a specific misrepresentation or withholding of information that allows Student to pursue claims prior to April 22, 2023, two years before the date the complaint was filed. In violation of the IDEA, the complaint alleges Los Angeles Unified:

1. failed to assess Student;
2. failed to meaningfully educate Student;
3. failed to provide Student an appropriate educational setting;
4. failed to provide Student a program of high expectations free of invidious stereotypes or discrimination;
5. failed to provide timely, accurate, complete, or non-adversarial communications between Los Angeles Unified, Student, and Parents; and
6. failed to provide Student appropriate accommodations.

However, the complaint fails to sufficiently describe specific misrepresentations, or information omitted by Los Angeles Unified that prevented Student from timely

requesting a due process hearing for the claims described above occurring prior to April 22, 2023.

Paragraph 34 of the complaint claims Los Angeles Unified "covered up" its failures through misrepresentations and withholding material information about Student's education status. The complaint again makes the same claims in paragraph 38, arguing the misrepresentations and withholding of information about Student's "true educational status" occurred for "many years". However, the complaint does not sufficiently describe when and what specific misrepresentation was made, or what information was known, by Los Angeles Unified and withheld from Parents, that impeded Parents from timely filing a due process request.

Paragraphs 56 and 57 of the complaint describe Los Angeles Unified's alleged failure to timely provide individualized education program, called IEP, documents translated into the Spanish language, Parents' native language. Student also claims some documents were never translated into Spanish for Parents. Student contends these failures to timely translate documents into Spanish, or to provide documents in the Spanish language constituted withholding of material information by Los Angeles Unified.

However, the complaint fails to describe the documents that were never translated, nor explain when the Spanish-translated IEP documents were provided to Parents to determine whether the claims related to those IEP documents are barred by the two-year statute of limitations. For example, if an IEP dated January 1, 2018, was not translated into Spanish and provided to Parents until January 1, 2019, then Student would have two years from January 1, 2019, to request a due process hearing to challenge the January 1, 2018, IEP. Furthermore, the complaint does not specify whether Los Angeles Unified failed to provide a Spanish-language version of Parents' procedural

safeguards to inform them of their right to request a due process hearing. Without a more specific description of the documents, the complaint fails to provide Los Angeles Unified with an awareness and understanding of when and what information was withheld from Parents as a result of Los Angeles Unified's failure to timely translate or provide translated documents to Parents.

Paragraphs 66 through 71 of the complaint describes five reasons why Student's claims should not be barred by the two-year statute of limitations. The first two reasons describe Parents' lack the expertise in special education programs and Student's disability related needs, as well as the trust Parents had with Los Angeles Unified to provide Student a FAPE. However, the explanations for the first two reasons does not describe any specific misrepresentation by Los Angeles Unified or any information withheld by Los Angele Unified. The complaint's description of the first two reasons does not provide Los Angeles Unified with sufficient information about any of the exceptions to the two-year statute of limitations.

Student reasserts, as a third reason for allowing Student to pursue claims prior to April 21, 2023, Los Angeles Unified alleged failures to provide Parents Spanish-language translated documents, as discussed above. However, like paragraphs 56 and 57 of the complaint, the description for the third reason fails to provide Los Angeles Unified with sufficient information about when and how an exception to the two-year statute of limitations would apply related to the translation of IEP documents.

As for Student's fourth reason to extend his claims to 2017, Student contends Los Angeles Unified's adversarial posture against Student and Parents impeded Parents from accessing sufficient information to fully understand Student's educational status, Los Angeles Unified's failures, and the harm suffered by Student. However, a description of the fourth reason does not sufficiently describe specific misrepresentations or the

information withheld by Los Angeles Unified to allow Los Angeles Unified to understand the basis for an exception to the statute of limitations.

Student's description of the fifth reason also fails to provide Los Angeles Unified with an awareness and understanding of the claims which support an exception to the statute of limitations. Under the fifth reason, Student describes his reported grades prior to April 13, 2023, specifically from 2020, as misrepresentations of his educational status to establish an exception to the statute of limitations. However, the complaint fails to describe sufficient facts about how the grades alone prevented Parents from requesting a due process hearing. Further, the complaint fails to provide a sufficient description of any other grades, or any other reports by Los Angeles Unified from 2017, through April 22, 2023, that would demonstrate a misrepresentation impeding Parents from requesting a due process hearing.

In sum, Student's complaint fails to provide a sufficient description of what, when, and how any specific representations, and information withheld, by Los Angeles Unified prevented Parents from requesting a timely due process hearing that would establish, if proven, an exception to the two-year statute of limitations. Accordingly, the complaint is insufficiently plead to provide Los Angeles Unified with an awareness and understanding of the problems involving specific misrepresentations or withholding of information to support an exception to the two-year statute of limitations.

ORDER

1. Student's complaint is insufficiently pled under section title 20 United States Code 1415(c)(2)(D) as to an exception to the two-year statute of limitations to allow Student to pursue claims prior to April 22, 2023.

2. Student's complaint is sufficient under title 20 United States Code section 1415(b)(7)(A)(ii), as to claims from April 22, 2023, through April 22, 2025.
3. Student shall be permitted to file an amended complaint under title 20 United States Code section 1415(c)(2)(E)(i)(II).
4. The amended complaint shall comply with the requirements of title 20 United States Code section 1415(b)(7)(A)(ii), and shall be filed not later than 14 days from the date of this Order. The filing of an amended complaint will restart the applicable timelines for a due process hearing.
5. If Student fails to file a timely amended complaint, the hearing shall proceed only for claims occurring from April 22, 2023, through April 22, 2025, in Student's complaint.

IT IS SO ORDERED.

Rommel P. Cruz

Rommel P. Cruz

Administrative Law Judge

Office of Administrative Hearings