BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

FOLSOM-CORDOVA UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025120042

ORDER DETERMINING STUDENT'S COMPLAINT SUFFICIENT, IN PART

DECEMBER 17, 2025

On December 1, 2025, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Folsom-Cordova Unified School District. On December 16, 2025, Folsom-Cordova filed a Notice of Insufficiency as to the complaint. Folsom-Cordova raises three contentions for which it claims Student's complaint to be insufficient, namely, vague issues, lack of explanation or basis to extend the statute of limitations, and lack of jurisdiction due to claims pursuant to Section 504 of the rehabilitation Act of 1973 and the Americans with Disabilities Act.

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 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 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.)

DISCUSSION

Student's complaint alleges three issues. The issues are sufficiently pled to the extent they raise claims within the two-year statute of limitations.

Student's Issue 1(A) alleges Folsom-Cordova denied Student a FAPE by failing to find Student eligible for special education from August 2023 to May 2024.

Issue One (B) alleges Folsom-Cordova denied Student a FAPE from August 2023 by failing to offer appropriate behavioral support, physical therapy, occupational therapy, mental health services, communication-based services, and individualized academic instruction within the most integrated settings appropriate to Student's needs.

Issue One (C) alleges Folsom-Cordova denied Student a FAPE by failing to offer appropriate goals in Student's May 2024 and April 2025 IEP's to address Student's attention and behavioral needs.

Issues Two and Three of Student's complaint assert violations of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973, based on an alleged denial of Student's equal access to educational services and discrimination.

Student's issues are clearly identified, and Student's complaint contains detailed facts related to the issues occurring within the two years of filing. Student's complaint also contains specific requested resolutions.

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).) There are two exceptions that extend the statute of limitations. The first is that parent was prevented from requesting a due process hearing because the local educational agency made a specific misrepresentation that a problem raised in the due process hearing request was solved. The second is that Parent was prevented from filing a due process hearing request because the local educational agency withheld information it was required to provide pursuant to the IDEA or California special education law. (Ed. Code § 56505, subd. (l)(1) or (2).)

Student's complaint was filed on December 1, 2025. Student's complaint alleges claims from August 2023, beyond the two-year statute of limitations. Student's complaint does not contain any explanation or basis to extend the two-year statute of limitations. Accordingly, to the extent Student's complaint raises claims within the statute of limitations, Student's complaint is sufficient. To the extent Student raises claims beyond the two-year statute of limitations, Student's complaint is insufficient.

Folsom-Cordova's claim that Student's Issues Two and Three are insufficient because they are not within the jurisdiction of OAH to determine, is rejected, as lack of jurisdiction does not render a complaint insufficient. Nothing in this order prevents Folsom-Cordova from filing a motion to dismiss.

ORDER

1. Student's complaint is sufficient under title 20 U.S.C. section 1415(b)(7)(A)(ii), as to issues within the two-year statute of limitations.
2. Student's complaint is insufficiently pled under section title 20 United States Code 1415(c)(2)(D), as to Student's issues beyond the two-year statute of limitations.

3. Should Student intend to litigate issues arising prior to the two-year statute of limitations, Student shall be permitted to file an amended complaint under title 20 United States Code section 1415(c)(2)(E)(i)(II), including the basis upon which Student seeks to extend the statute of limitations.
4. 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. All dates previously set in this matter are vacated. If an amended complaint is filed on time, OAH will issue a new scheduling order. The filing of an amended complaint will restart the applicable timelines for a due process hearing.
5. If Student fails to file an amended complaint within 14 days of the date of this order, Student's issues will be limited to those within the two-year statute of limitations.

IT IS SO ORDERED.

Rita Defilippis

Rita Defilippis
Administrative Law Judge
Office of Administrative Hearings