BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

SAN JUAN UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2022080864

ORDER OF DETERMINATION OF SUFFICIENCY OF DUE PROCESS COMPLAINT

SEPTEMBER 12, 2022

On August 24, 2022, 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 San Juan Unified School District. On September 7, 2022, San Juan Unified filed a Notice of Insufficiency as to the complaint.

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; (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).) There are limited exceptions to the general statute of limitations. For example, when parent was prevented from filing a request for due process due to specific misrepresentations by the local education agency that it had resolved the problem forming the basis of the complaint, or that the local education agency withheld information from the parent that it was required to provide. (Ed. Code § 56505, subd. (l), tit. 20 U.S.C. section 1415(f)(3)(D).) Additionally, as permitted under federal law, California has adopted its own discovery rule. California's law states that a claim accrues for purposes of the statute of limitations when a parent learns of the underlying facts that form a basis for the action. (Ed. Code, § 56505, subd. (l).)

DISCUSSION

Student states 12 claims alleging denials of a free appropriate public education that arose within the 2020-2021, 2021-2022, and 2022-2023 school years, through the date of filing of the complaint. Student alleges that he was assigned to distance learning beginning in March 2020, through the end of the 2020-2021 school year. Student also contends that the complaint addresses the period of school remote sessions during that time.

San Juan Unified asserts that Student raises issues dating back to February 2020, well outside the two-year statute of limitations. San Juan Unified claims that it did not receive a complete copy of Student's due process request until August 26, 2022, and argues that claims that arose prior to August 26, 2020, are outside of OAH's jurisdiction based on the statute of limitations.

San Juan Unified argues that the complaint is insufficient based upon claims that arose prior to the two-year statute of limitations and facts that do not relate to the district. San Juan Unified contends the complaint is insufficient because the facts recited to support claims in issues 2, 6, 7, and 8, are vague and ambiguous as to time and place and there is no specificity of any violations related to the district. San Juan Unified complains that issue 3 states facts that have no specificity of any violation as it relates to it. San Juan Unified also asserts that the complaint is insufficient because some facts supporting issues 11and 12 are vague and ambiguous as to time, place, and lack specificity.

Student's claims arising between August 24, 2020, through August 24, 2022, are sufficiently pled. In the issues statements, Student states that the earliest claims alleged arose during the 2020-2021 school year. But Student also states that the complaint addresses the period of distance learning instruction that began in March 2020. Student failed to include the basis upon which Student's seeks to extend the statute of limitations. Therefore, any claims that arose prior to August 24, 2020, are not sufficiently pled.

A complaint is required to include proposed resolutions to the problem, to the extent known and available to the party at the time. (20 U.S.C. §1415(b)(7)(A)(ii)(IV).) The proposed resolutions stated in Student's complaint are well-defined. Student has met the statutorily required standard regarding proposed resolutions.

ORDER

1. The 12 claims that arose on or after August 24, 2020, alleged in Student's complaint are sufficient under title 20 U.S.C. section 1415(b)(7)(A)(ii).
2. Any allegations that arose prior to August 24, 2020, are insufficiently pled under title 20 United States Code section 1415(c)(2)(D).
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 U.S.C. 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 on the 12 allegations that arose on or after August 24, 2020, in Student's complaint.

IT IS SO ORDERED.

Marlo Nisperos

Marlo Nisperos
Administrative Law Judge
Office of Administrative Hearings