BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

SEQUOIA UNION HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2025020124

ORDER DETERMINING DUE PROCESS COMPLAINT SUFFICIENT

FEBRUARY 20, 2025

On February 5, 2025, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Sequoia Union High School District as respondent. On February 19, 2025, Sequoia filed a Notice of Insufficiency as to the complaint.

INSUFFICIENCY NOTICE 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 party has the right to file a notice asserting a complaint is insufficient within 15 days of receiving a request for due process hearing. (20 U.S.C. § 1415 (c)(2)(C); Ed. Code § 56502, subd. ((d)(1).) 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 Individuals with Disabilities Education Act, or 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.] 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 46541, 46699.)

STATUTE OF LIMITATIONS LAW

The IDEA allows states to establish their own statute of limitations for special education cases. (20 U.S.C. §1415(b)(6)(B) and (f)(3)(C).) 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).)

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).)

NO DISMISSAL PROVISION INCLUDED IN THE NOTICE OF INSUFFICIENCY PROCESS

Sequoia asserts that Student has asserted claims that predate a basic two-year statute of limitations but has failed to plead facts necessary to support an exception to the statute of limitations. As a result, Sequoia asks that all claims pre-dating the basic two-year statute of limitations should be dismissed.

A notice of insufficiency is not equivalent to a motion to dismiss. A notice of insufficiency challenges whether a request for due process includes 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).) Here, Sequoia's Notice of Insufficiency challenges whether Student has stated all facts necessary to establish a

right to extend the statute of limitations. Sequoia asserts, "Petitioner's allegations are incapable of supporting either of the limited exceptions to the two-year statute of limitations." Sequoia misunderstands the special education pleading standards and the function of a Notice of Insufficiency

There is no provision for a summary judgment procedure in special education due process hearings. While OAH will dismiss claims that are facially outside its jurisdiction, such as civil rights claims, personal injury claims or other claims that do not plead violations of state or federal special education law; there is no provision in the IDEA or California special education laws for a summary process to dismiss claims within OAH jurisdiction. Indeed, Sequoia offered no legal authority granting OAH authority to summarily dismiss issues within its jurisdiction prior to hearing. Nor does it cite any aspect of the statutes pertaining to a Notice of Insufficiency that would allow OAH to dismiss claims exceeding the statute of limitations pursuant to a party's Notice of Insufficiency. Essentially, Sequoia has identified disputed questions of fact. Disputed facts require consideration of evidence during a hearing.

COMPLAINT IS SUFFICIENT

The facts alleged in Student's complaint are sufficient. Student's complaint expressly indicates an intent to seek an extension of the statute of limitations. Additionally, Student identifies the basis sought to extend as withholding information from Parents. The complaint identifies the issues and adequate facts about the problem to put Sequoia on notice of the claims Student is asserting, and to permit Sequoia to respond and participate in a resolution session, mediation and hearing.

ORDER

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

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl

Administrative Law Judge

Office of Administrative Hearings