

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES COUNTY OFFICE OF
EDUCATION.

OAH CASE NO. 2011080849

ORDER GRANTING MOTION TO
DISMISS AND/OR WITHDRAWAL OF
ISSUE

On August 19, 2011, Parent on behalf of Student (Student) filed a Request for Due Process Hearing (complaint), naming Los Angeles County Office of Education (LACOE) as the respondent.

On August 29, 2011, LACOE filed a Motion to Dismiss Student's Issue No. One alleging that the issue and supporting facts are outside the statute of limitation.

On September 1, 2011, Student filed a response to the motion and withdrew Student's Issue No. One, thereby making LACOE's motion moot.

APPLICABLE LAW

Prior to October 9, 2006, the statute of limitations for due process complaints in California was generally three years prior to the date of filing the request for due process. The statute of limitations in California was amended, effective October 9, 2006, and is now two years, consistent with federal law. (Ed. Code, § 56505, subd. (1); see also 20 U.S.C. § 1415(f)(3)(C).) However, Title 20 United States Code section 1415(f)(3)(D) and Education Code section 56505, subdivision (1), establish exceptions to the statute of limitations in cases in which the parent was prevented from filing a request for due process due to specific misrepresentations by the local educational agency that it had resolved the problem forming the basis of the complaint, or the local educational agency's withholding of information from the parent that was required to be provided to the parent.

ORDER

LACOE's Motion to Dismiss Student's Issue No. One is moot, as Student has formally withdrawn the issue. The matter will proceed as scheduled.

IT IS SO ORDERED.

Dated: September 02, 2011

/s/

JUDITH PASEWARK
Administrative Law Judge
Office of Administrative Hearings