

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

PLACENTIA-YORBA LINDA UNIFIED
SCHOOL DISTRICT.

OAH CASE NO. 2012031073

ORDER GRANTING MOTION TO
DISMISS CLAIMS BEFORE
MARCH 27, 2010

On March 27, 2012, Student filed a Request for Due Process Hearing (complaint) against the Placentia-Yorba Linda Unified School District (District) with the Office of Administrative Hearings (OAH). On April 9, 2012, the District filed a Motion to Dismiss claims that occurred before March 27, 2010 for being outside the two-year statute of limitations. OAH received no response to the Motion to Dismiss from Student.

APPLICABLE LAW

The statute of limitations for due process complaints in California is 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.

DISCUSSION

Issues 1a through 1d contain allegations that the District denied Student a free appropriate public education before March 27, 2010, as Student alleges violations against the District for the entire 2009-2010 school year. The District contends that claims against the District that occurred before March 27, 2010, are barred by the two-year statute of limitations.

Student's complaint does not contain any allegations that the District made specific misrepresentations that prevented the filing of a hearing request. Additionally, the complaint

does not contain any allegations that the District withheld from Parent information that it was required to provide, such as notification of parental rights. Accordingly, Student's claims in Issues 1a through 1d that occurred before March 27, 2010, are dismissed for being outside the two-year statute of limitations.

ORDER

The District's Motion to Dismiss claims before March 27, 2010, is granted.

Dated: April 13, 2012

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings