

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. 2011050219

ORDER GRANTING MOTION TO  
DISMISS ISSUES PRIOR TO TWO  
YEAR STATUTE OF LIMITATIONS

On May 2, 2011, Student filed a request for a due process hearing (complaint) naming Los Angeles County Office of Education (LACOE) as the sole respondent. The complaint alleged, in pertinent part, that Student was denied a free appropriate public education (FAPE) for the 2008-2009, 2009-2010, and 2010-2011 school years.

On May 13, 2011, LACOE filed a motion to dismiss issues arising prior to the two year statute of limitations.

On May 19, 2011, Student filed an opposition to LACOE's Motion, acknowledging that a portion of the 2008-2009 school year would pre-date the May 2, 2009 cutoff date for the two year statute of limitations, but stating that the complaint did not intend to seek any relief for any time period before the limitations period.

APPLICABLE LAW and DISCUSSION

LACOE'S Motion to dismiss issues prior to the two year statute of limitations is granted. The statute of limitations for due process complaints in California is two years, consistent with federal law. (Ed. Code, § 56505, subd. (l); see also 20 U.S.C. § 1415(f)(3)(C).) Title 20 United States Code section 1415(f)(3)(D) and Education Code section 56505, subdivision (l), 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. Student alleges no such exceptions here, and stipulates to seek no relief for any time period before the limitations period. Accordingly LACOE's Motion is granted.

ORDER

LACOE's Motion to dismiss issues prior to the two year statute of limitations is granted.

Dated: May 19, 2011

/s/

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JUNE R LEHRMAN  
Administrative Law Judge  
Office of Administrative Hearings