

No Two Ways About It: Ninth Circuit Clarifies When Two Year Statute of Limitations for Special Education Claims Begins

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In *J.R. v. Ventura Unified School District* (9th Cir. 2026) 173 F.4th 1039, the Ninth Circuit Court of Appeals held that a lawsuit brought by parents against a school district under the Individuals with Disabilities Education Act (IDEA) was untimely as to educational services their child received before 2019, clarifying the statute of limitations period and related tolling doctrine, and reversing the trial court’s judgment to the contrary

Background

The parents of J.R., a student diagnosed with autism, challenged the school district’s alleged failure to assess their child for autism. Although the parents did not sue until J.R. was diagnosed with autism in 2021, they sought relief from the school district for allegedly inadequate assessments and Individualized Education Plans (IEPs) going back to 2012—the entire tenure of the J.R.’s time in the school district. The matter was first brought before an Administrative Law Judge (ALJ) at the Office of Administrative Hearings (OAH).

OAH Decision. The ALJ found the IDEA’s two-year statute of limitations barred J.R.’s claims predating April 8, 2019. The ALJ reasoned that the school district’s assessments of J.R. and the IEP meetings from 2012 to 2019 put J.R.’s parents “on notice of the very behaviors which [J.R.] argued were indicative of autism.” Generally, the two-year statute of limitations period does not apply if the parent was prevented from filing a due process complaint due to: (1) specific misrepresentations by the local educational agency that it had resolved the problem forming the basis of the due process complaint; or (2) the local educational agency’s withholding of information from the parent that was required under the IDEA to be provided to the parent. Because neither of the exceptions to the statute of limitations applied, the claims predating April 8, 2019, were untimely.

District Court Decision. J.R.’s parents appealed to the federal court seeking review of the ALJ’s decision as it concerned educational services received prior to April 8, 2019. The District Court ruled in J.R.’s favor, rejecting the ALJ’s determination regarding the statute of limitations and finding that the school district had denied J.R. a “free appropriate public education” (FAPE) since 2012.

According to the District Court, “in order for J.R.’s inadequate education to serve as notice, Parents needed knowledge of the action (*i.e.*, [the school district] did not test for autism) and knowledge that the action caused harm

(i.e., J.R. suffered from undiagnosed autism).” The District Court also found that both statutory exceptions applied because the school district “recklessly misrepresented J.R.’s assessment results” and “withheld information” that prevented J.R.’s parents from understanding that the school district had improperly diagnosed him.

Ninth Circuit Decision

Reversing the District Court’s decision, the Ninth Circuit held that the parents’ lawsuit was untimely as to educational services received prior to 2019. The Ninth Circuit noted that the IDEA requires parents to challenge their child’s allegedly inadequate special education and related services within two years of the date the parents “knew or should have known about the alleged action that forms the basis of the complaint.” This statute of limitations establishes a discovery rule, providing that actual or constructive knowledge is sufficient to start the limitations period.

For example, in J.R.’s case, for an IDEA claim alleging that a school district’s failure to assess a student resulted in a denial of a FAPE, the statute of limitations begins to run when parents know or should know: (1) the fact of the school district’s action or inaction (i.e., the failure to assess); and (2) that their child is being denied a FAPE (i.e., the child’s education is inadequate). Because the parents knew the school district had not assessed their child for autism and had sufficient reason to believe his education was inadequate, the claims predating the limitations period are time-barred.

Lastly, the Ninth Circuit disagreed that the school district had misrepresented the assessment results and withheld information from J.R.’s parents. For the misrepresentation exception to apply, the Ninth Circuit determined that a school district must intentionally mislead or knowingly deceive a parent regarding their child’s progress. The Ninth Circuit noted that J.R. failed to show that the school district engaged in any such conduct. Regarding withholding information, the Ninth Circuit explained that this exception only applied to statutorily-required notices and J.R. did not identify any mandated disclosures the school district failed to provide.

Takeaways

In *J.R. v. Ventura Unified School District*, the Ninth Circuit clarified that the statute of limitations begins to run when parents know or should know the fact of the school district’s action or inaction and that their child is being denied a FAPE. Following this case, local educational agencies are less exposed to the risk that parents could obtain a new diagnosis and then sue for special education claims dating back over two years prior.

If you have any questions about this decision or need guidance related to special education services, please contact the authors of this Client News Brief or an attorney at one of our [eight offices](#) located statewide. You can also subscribe to our [podcast](#), follow us on [Facebook](#) and [LinkedIn](#), or download our [mobile app](#).

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