

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LINCOLN UNIFIED SCHOOL DISTRICT
AND SAN JOAQUIN COUNTY OFFICE
OF EDUCATION

OAH CASE NO. 2013090535

ORDER DENYING MOTION TO
DISMISS

On September 16, 2013, Student filed a Due Process Hearing Request (complaint) with the Office of Administrative Hearings (OAH) against the Lincoln Unified School District (District). On September 18, 2013, the District filed a Notice of Insufficiency (NOI) as to Student's complaint. On September 20, 2013, OAH granted the District's NOI and gave Student 14 days, through October 4, 2013, to file an amended complaint.

On October 8, 2013, Student filed his amended complaint. On October 10, 2013, the District filed a motion to dismiss Student's amended complaint for not being timely filed. Student did not submit a response.¹

While Student's complaint was filed four days late, this lateness did not unduly prejudice the District, and is in sufficient compliance with the September 20, 2013 order. Accordingly, the District's motion to dismiss is denied.

IT IS SO ORDERED.

Dated: October 16, 2013

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings

¹ The District also filed an NOI to the amended complaint, which will be addressed in a separate order.