

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

TWIN RIVERS UNIFIED SCHOOL
DISTRICTS.

OAH CASE NO. 2011020840

ORDER DENYING MOTION TO
DISMISS

On February 24, 2011, Parent filed a Due Process Hearing Request (complaint) naming Twin Rivers Unified School District (District). On March 10, 2011, District filed a Notice of Insufficiency (NOI) as to the complaint. On March 14, 2011, the Office of Administrative Hearings (OAH) granted the District's NOI as to Issues 1 through 7 and 9 through 36 of the complaint, and gave Student 14 days to file an amended complaint, or those issues deemed insufficient would be dismissed. On April 12, 2011, Student filed an amended complaint. On April 13, 2011, the District filed a motion to dismiss Student's amended complaint for not being timely. On April 18, 2011, Student filed an opposition.

Although Student's amended complaint was not filed timely, Student's delay is excusable as Parent sought the assistance of a mediator to assist her in drafting a sufficient complaint. (Ed. Code, § 56505.) The delay in filing the amended complaint was due to difficulty in contacting the mediator, not any dilatory conduct on Student's part. Accordingly, the motion is denied. All dates currently set in this matter are confirmed.

IT IS SO ORDERED.

Dated: April 21, 2011

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings