

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

CORONADO UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2012030176

ORDER DENYING MOTION TO
DISMISS

The Coronado Unified School District filed a request for due process hearing (complaint)¹ on March 1, 2012. On March 15, 2012, Student filed a motion to dismiss the complaint. On March 20, 2012, District filed opposition to Student's motion.

Student argues that Parents have never been served with a copy of the complaint, and were not served with the Scheduling Order and Notice of Due Process Hearing and Mediation until March 12, 2012.

A copy of the complaint, attached as an exhibit to Student's motion, establishes that Student had actual notice of the complaint and its contents no later than the filing of Student's motion on March 15, 2012. The only prejudice to Student by this late service, if any, is the shortened time in which to prepare for the mediation, pre-hearing conference and hearing. Any prejudice to Student caused by the delay would be readily remedied by a continuance, and good cause exists for a continuance if Student chooses to submit a request to OAH for additional time. The motion to dismiss is denied.

IT IS SO ORDERED.

Dated: March 21, 2012

/s/

ALEXA J. HOHENSEE
Administrative Law Judge
Office of Administrative Hearings

¹ A request for due process hearing under Education Code (Ed. Code) § 56502 is the complaint notice required under Title 20 United States Code (U.S.C.) § 1415(b)(7)(A), a part of the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq. (IDEA).

