

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

**ARVINTHAN NADAR and PREMA
THANGAVEL, as Parents of Child Doe**

PLAINTIFFS

v.

CASE NO: 4:14CV363 BSM

**BENTONVILLE SCHOOL DISTRICT; TONY WOOD,
and the ARKANSAS DEPARTMENT OF
EDUCATION**

DEFENDANTS

ORDER

The motion filed by defendants Tony Wood and the Arkansas Department of Education to dismiss plaintiffs' lawsuit as untimely [Doc. No. 9] is granted and their motion to dismiss for failure to state a claim is denied as moot. Plaintiffs' amended complaint is dismissed with prejudice because their original complaint was untimely filed.

Plaintiffs, Arvinthan Nadar and Prema Thangavel filed an administrative due process claim against the Bentonville School District on December 4, 2013. The claim was filed with the Arkansas Department of Education ("ADE") claiming a violation of the Individuals with Disability Education Act ("IDEA"). The claim was dismissed by an administrative hearing officer on March 13, 2014. Plaintiffs filed this lawsuit on June 17, 2014, seeking reversal of the hearing officer's decision.

Plaintiffs' claims must be dismissed because they were filed more than ninety days after the hearing officer's decision was rendered. 20 U.S.C.A. § 1415 (i)(2)(B) (2004); *Smith v. D.C.*, 496 F. Supp. 2d 125, 128 (D.D.C. 2007). Arkansas does not have an explicit time limitation for filing lawsuits similar to this one. Therefore, the ninety day limitations period

applies. *Id.*

Accordingly, defendants' motion to dismiss [Doc. No. 9] is granted and plaintiffs' amended complaint [Doc. No. 6] is dismissed with prejudice.

IT IS SO ORDERED this 14th day of October 2014.


UNITED STATES DISTRICT JUDGE