

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

LODI UNIFIED SCHOOL DISTRICT,

v.

PARENT(S) ON BEHALF OF STUDENT.

OAH CASE NO. 2010040769

ORDER DENYING MOTION FOR  
CHANGE OF VENUE

On April 14, 2010, Lodi Unified School District (District), filed a request for due process hearing (complaint) Parents, on behalf of Student, are is named as respondents. On April 27, 2010, Student filed a motion for continuance and change of venue. District opposed the motion. The continuance was granted on April 30, 2010. Student seeks a change of venue on the basis that one of Student's parents is a District employee and that conducting the hearing at the District office would be inconvenient due to Parents' privacy concerns. Student did not propose any alternative location in Lodi, California. The nearest regional office of OAH is forty miles away in Sacramento, California. District opposes the motion and asserts that the District office is convenient for all parties.

APPLICABLE LAW

Federal and state law provides that a due process hearing must be held in a place "reasonably convenient" to the student and parents. (Ed. Code, § 56505, subd. (b).)

Reasonably convenient does not mean that the hearing may be located anywhere that the parent decides is convenient. To be reasonable, there must be some balance of interest between what is convenient for the parent and child on one side and what is efficient for the district or other parties on the other side. Due process hearings are generally scheduled at either the school district office, the SELPA office or a regional office of OAH. The school district that the student attends is likely to be reasonably convenient for the parents and the child since the child and at least one parent will generally live within the district's coverage area. Additionally, most of the representatives and witnesses in a case involving a school district will be close at hand if the hearing is located at that district (*Ocean View Elelmentary School District, et. al.*, SEHO Case No. SN 97-00069 (February 10, 1997)).

## DISCUSSION

Here, District brought a due process complaint against Parents on behalf of Student. One of Student's parents is a District employee and has privacy concerns about the hearing taking place in the District Office. While Parents' concerns are not without merit, the District Office is the most practical and convenient location to conduct the hearing of this matter. Here, the majority of witnesses live and/or work in the Lodi area. The closest OAH regional office is 40 miles away in Sacramento, California and is therefore not a practical location for the hearing. Should the parties locate and agree upon an alternative location in the Lodi area, OAH may consider a renewed request for change of venue.

## ORDER

Student's request for change of venue is denied without prejudice.

Dated: May 4, 2010

/s/

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GLYNDA B. GOMEZ  
Administrative Law Judge  
Office of Administrative Hearings