

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LAKE TAHOE UNIFIED SCHOOL DISTRICT, ALPINE COUNTY USD, TAHOE-ALPINE SELPA, LAKE TAHOE UNIFIED SCHOOL DISTRICT, AND ALPINE COUNTY DEPARTMENT OF BEHAVIORAL HEALTH..

OAH CASE NO. 2012070348

ORDER DENYING WITHOUT PREJUDICE ACUSD'S MOTION TO CHANGE LOCATION OF MEDIATION AND DUE PROCESS HEARING

On August 3, 2012, Alpine County Unified School District (ACUSD) filed a motion to change the location of the mediation and due process hearing in this matter. ACUSD states that Lake Tahoe Unified School District (Lake Tahoe), where the proceedings are presently scheduled, does not have the facilities for either a mediation or a due process hearing. ACUSD also states that Student's parent has moved into the boundaries of ACUSD and therefore it would be more convenient for her to hold the proceedings at ACUSD. ACUSD also states that neither Lake Tahoe nor Tahoe-Alpine SELPA, two of the other respondents to this action, oppose the motion.

No party has filed an opposition or other response to ACUSD's motion.

APPLICABLE LAW

A due process hearing must be conducted "at a time and place that is reasonably convenient to the parents and child involved." (34 C.F.R. § 300.515(d); see also, Ed. Code, § 56505, subd. (b)).

DISCUSSION

ACUSD states that Student and his parent have moved into the ACUSD boundaries and no longer live in Lake Tahoe. However, ACUSD does not indicate in its motion or the accompanying declaration of its attorney what Student's new address is. Furthermore, although stating that Student no longer lives in Lake Tahoe, ACUSD served its motion on

Student's parent at her address in Lake Tahoe. There is therefore no indication of where exactly Student and his parent are living.

Furthermore, ACUSD failed to serve its motion for change of location on the Alpine County Department of Behavioral Health (DBH), a named party to this action. ACUSD does not indicate if it has contacted DBH for its position on the proposed change of venue.

Therefore, ACUSD's motion is denied without prejudice. ACUSD must provide evidence of Student's new address and must serve its motion on all parties.

The Office of Administrative Hearings has today issued a notice of cancelled mediation in this matter. Therefore, there is no urgency to change the venue for any of the pending proceedings. ACUSD may renew its motion prior to the hearing, providing evidence of Student's present address and serving the motion on all named parties.

IT IS SO ORDERED.

Dated: August 9, 2012

/s/

DARRELL LEPKOWSKY
Administrative Law Judge
Office of Administrative Hearings