

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT on behalf of STUDENT,

v.

TUSTIN UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2009101334

ORDER GRANTING REQUEST TO
CHANGE HEARING LOCATION

On October 27, 2009, the Office of Administrative Hearings (OAH) issued an order scheduling a hearing in this matter on December 17, 2009, to be held at 300 South C Street, Tustin, California. On November 20 2009, the hearing was continued to January 25, 2010, through and including January 28, 2010. On November 23, 2009 the hearing was continued to February 22, 2010, through and including February 25 2010. On December 22, 2009, Student filed a motion to change the hearing location. Student proposes moving the hearing to the OAH Laguna Hills office.

APPLICABLE LAW

A hearing must “be held at a time and place reasonably convenient to the parent or guardian and the pupil.” (Ed. Code, § 56505, subd. (b).)

DISCUSSION

Student alleges that the school district facilities where the hearing would occur are “...portable, trailer-type buildings and are not designed or intended to hold court proceedings.” Moreover, Student alleges that the facilities at OAH are a “neutral, balanced and unprejudicial forum” and are acceptable to him. Student alleges that the OAH Laguna Hills office is “proximately, reasonably and conveniently located [for] both” parties. A review of the file shows that an Interpreter is necessary for the hearing.

District filed an Objection to Student’s request to move the hearing location stating they are “not in agreement” with Student’s request. The District “...disputes Petitioner’s characterization” of it’s facilities and the District further disputes Petitioner’s assertion that the OAH is “reasonably and conveniently located” to both parties. The law provides that the hearing should be held at a location that is convenient for the student, not necessarily at a location that is convenient for the District. The OAH facilities are also more suitable for

hearings where an interpreter will be necessary. Accordingly, Student's motion to change venue for the hearing is granted.

ORDER

The hearing shall be held at the OAH facility located at 20346 Avenida De La Carlota, Suite 750, Laguna Hills, California 92653.

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Dated: December 24, 2009

/s/

LISA O'BRIEN
Administrative Law Judge
Office of Administrative Hearings