

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

ORANGE UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2010041473

ORDER GRANTING STUDENT'S
REQUEST TO CHANGE LOCATION
OF DUE PROCESS HEARING

The hearing in this matter was originally scheduled to be heard at the offices of the Orange Unified School District (District) in Orange, California. On June 7, 2010, Student filed a request with the Office of Administrative Hearings (OAH) to change the location of the hearing to the OAH offices in Laguna Hills, California. Student bases her request on the fact that OAH is a neutral venue, has appropriate hearing rooms, and is located only approximately 15 miles from the District's offices.

On June 9, 2010, the District filed an opposition to Student's request. The District contends that it is unreasonable to require its employees to travel 15 miles to the hearing. The District states that Student has subpoenaed some 20 District employees for the hearing on June 21, 2010, and that it is unreasonable to require them to spend their entire day at the OAH offices. The District also asserts that it has adequate and appropriate office space in which to hold a hearing.

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. In the instant matter, the reasonableness of Student's request to hold the hearing at a neutral location only 15 miles from the District outweighs any inconvenience to the District and/or its witnesses given the close proximity of the District's offices to OAH in Laguna Hills.

Student's motion to change the location of the hearing is therefore granted. The hearing shall take place starting on June 21, 2010, at the **OAH offices located at 23046 Avenida de la Carlota, Suite 750, Laguna Hills, CA 92653.**

The hearing shall be held before an Administrative Law Judge (ALJ) of the OAH. Unless the ALJ approves a different schedule, the hearing shall commence at 9:30 a.m. on the first day and 9:00 a.m. on all subsequent days.

The District however, raises a pertinent issue with regard to having 20 witnesses appear simultaneously at a hearing. Obviously, they cannot all testify at the same time. This order does not preclude the District from raising the issue of the timing of the witnesses' appearance with the ALJ at the prehearing conference in this matter in order to address the District's concerns.

IT IS SO ORDERED.

Dated: June 09, 2010

/s/

DARRELL LEPKOWSKY
Administrative Law Judge
Office of Administrative Hearings