

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LARKSPUR SCHOOL DISTRICT AND  
MARIN COUNTY OFFICE OF  
EDUCATION.

OAH CASE NO. 2010050366

ORDER DENYING STUDENT'S  
REQUEST FOR CHANGE OF VENUE  
AND GRANTING DISTRICT'S  
REQUEST FOR CHANGE OF VENUE

On May 27, 2010, Petitioner Parent on behalf of Student (Student) moved OAH to change the hearing location from District's offices in Larkspur, California, to OAH offices, located in Oakland, California. On May 28, 2010, Respondent Larkspur School District (District) opposed Student's motion to have the hearing held at OAH offices located in Oakland, California, and moved to change the hearing location from District's offices to the offices of Marin County Office of Education. On June 1, 2010, Student opposed District's motion to change the hearing location to Marin County Office of Education.

APPLICABLE LAW

Due process hearings must be held "at a time and place reasonably convenient to the parents and child involved." 34 C.F.R. 300.15(d); Ed. Code, § 56505(b). Reasonably convenient does not mean that the hearing may be located anywhere that the parent decides is convenient. Due process hearings are generally scheduled in office of the school district as the student and at least one parent generally reside within the district's coverage area. .

Due process hearings must be fair and conducted so that the parties can execute their rights set forth in state and federal statutes and regulations, including the right to present evidence, confront witnesses, to be informed of the issues and receive documents and a list of witnesses prior to the hearing. Ed. Code§ 56505(c) & (e).

DISCUSSION

Student does not provide sufficient support for her request for change of venue from the school district, located within a few miles of her home in Marin County, California, to the OAH offices, located in Oakland, California, located approximately 25 miles from her home. The OAH offices in Oakland are not reasonably convenient to either parent or Student. Student contends that the hearing could not be conducted fairly if it was held at the

offices of respondent school district or Marin County Office of Education. As in any unresolved dispute that goes to hearing, the parties may not be amicable. However, the location of the due process hearing is not determinative of whether the due process hearing is conducted fairly. The ALJ hearing the matter in accordance with the governing state and federal statutes and regulations, is responsible for conducting a fair hearing at any location. For these reasons, Student's request that the due process hearing be conducted in the OAH offices in Oakland is denied.

District requests that the venue for the due process hearing be changed to the Marin County Office of Education. District maintains that a room which fulfills the requirements of OAH for a courtroom-like arrangement, is available at the Marin County Office of Education. In contrast to OAH offices in Oakland, California, the Marin County Office of Education is located close to the home of parent and Student. Additionally, the location will aide the ALJ is ensuring that the hearing will be conducted efficiently as the majority of the anticipated witnesses will be District teachers and employees who work close to District's proposed venue. For these reasons, District's request that the due process hearing be conducted at the Marin County Office of Education is granted.

#### ORDER

1. Student's request for change of venue to Oakland, California, is denied.
2. District's request for a change of venue to the Marin County Office of Education is granted. In addition to a hearing room that fulfills the requirements of OAH for a courtroom-like arrangement, a separate room shall be made available for the use of Student and her witnesses, throughout the hearing.

IT IS SO ORDERED.

Dated: June 02, 2010

/s/

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EILEEN M. COHN  
Administrative Law Judge  
Office of Administrative Hearings