

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

NEWPORT-MESA UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2010090603

ORDER VACATING NOTICE OF  
CHANGE OF VENUE TO OAH  
LAGUNA HILLS OFFICES

On November 21, 2010, in response to a request by Student's counsel that the mediation and due process hearing in this matter be held at the Laguna Hills address of the Office of Administrative Hearings (OAH), OAH issued a Notice of Location Change for Due Process Hearing and Mediation to OAH Laguna Hills Office.

However, in mid-December 2010, OAH closed the Laguna Hills office.

On January 18, 2011, counsel for Student submitted to OAH a document entitled Petitioner's Request for Clarification of Order Granting OAH Courtroom. In the request, Student requests that the due process hearing in this matter be held at courtrooms in either the OAH Los Angeles or OAH Van Nuys offices.

Counsel for the District has not filed a response to the request.

Special education law contains a procedural safeguard which provides that "(t)he hearing shall be held at a time and place reasonably convenient to the parent or guardian and the pupil." (Ed. Code, § 56505, subd. (b).) Here, due to the distances and traffic patterns involved, it will not be "reasonably convenient" to have a hearing that involves witnesses residing in South Orange County and who work for the Newport-Mesa Unified School District to travel to the OAH offices in Los Angeles or Van Nuys.

Accordingly, the prior Notice establishing venue in this case at the OAH office in Laguna Hills is vacated. The mediation and due process hearing in this matter shall be held at the offices of the Newport-Mesa Unified School District.

IT IS SO ORDERED.

Dated: January 26, 2011

/s/

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TIMOTHY L. NEWLOVE  
Presiding Administrative Law Judge  
Office of Administrative Hearings