

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN RAMON VALLEY UNIFIED  
SCHOOL DISTRICT.

OAH CASE NO. 2010100676

ORDER DENYING MOTION FOR  
CHANGE OF VENUE

On October 15, 2010, Mandy G. Leigh, attorney for Student filed a request for due process hearing (complaint) naming San Ramon Valley Unified School District (District). On January 14, 2011, Student filed a motion for a change of venue. District opposed the motion.

APPLICABLE LAW

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. Due process hearings are generally scheduled at either the school district office, the office of the Special Education Local Plan Area to which the District belongs, or a regional office of OAH. The office of the school district named in the complaint is likely to be reasonably convenient for the parents and the child since the child and at least one parent will generally live within the district’s coverage area. Additionally, most of the representatives and witnesses in a case involving a school district will be close at hand if the hearing is located at that district (*Ocean View Elementary School District, et. al.*, SEHO Case No. SN 97-00069 (February 10, 1997)).

DISCUSSION

Student seeks a change of venue for the due process hearing (hearing) in this matter on the basis that Student’s Parent is uncomfortable and intimidated in the District’s offices and requests that the hearing be held in a “neutral venue,” the OAH offices in Oakland,

California. Additionally, Student alleges that his attorney would experience an extreme hardship and be unable to effectively represent Student if the due process hearing (hearing) were held at the District offices because of child care responsibilities. A declaration from Student's attorney is attached to the request for change of venue explaining why it would cause her a hardship to travel to the District's offices..

The District opposes the motion and asserts that the hearing will not be held in the District office, but in a neutral school site within the District that is convenient for all parties. The name and location of the school where the hearing is proposed to be held is not included in the opposition. The OAH offices in Oakland are 23.95 miles from the District's offices. The District contends that it will pose a hardship for its employees to travel to a location for hearing that is outside of the geographical boundaries of the District.

Here, Student filed a complaint against District. Parent's concern about feeling uncomfortable and intimidated in the District Office should be alleviated by the District holding the hearing in a neutral school site within the District. While the Student's attorney's child care needs are important, other arrangements must be made. It would not be appropriate to have most of the witnesses travel a greater distance to testify in Oakland than they would need to travel if the hearing is held at a school site within the geographical boundaries of the District simply to resolve counsel's child care needs. Based on the evidence presented in support and opposition to the request for change of venue, the neutral school site within the District is the most practical and convenient location to conduct the hearing of this matter. Here, the majority of witnesses live or work in the District's geographical area. Should the parties locate and agree upon an alternative location, OAH may consider a renewed request for change of venue.

#### ORDER

Student's request for change of venue is denied without prejudice.

Dated: January 27, 2011

/s/

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MICHAEL G. BARTH  
Administrative Law Judge  
Office of Administrative Hearings