

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

CAMPBELL UNION HIGH SCHOOL
DISTRICT.

OAH CASE NO. 2011020711

ORDER DENYING STUDENT'S
REQUIEST FOR CHANGE OF VENUE
FOR MEDIATION

On February 22, 2011, Allyson Sayar, attorney on behalf of Student (Student), filed a request for due process hearing (complaint) in which Campbell Union High School District (District) is named as respondent. On March 2, 2011, Student's parents (Parents), independent of Ms. Sayar, requested a change of venue of the mediation, stating they wanted a neutral setting for the mediation in lieu of the District offices. On March 3, 2011, Parents cancelled their request and indicated the mediation would be held at the District offices. On March 8, and again on March 9, 2011, Parents made a third amended request for change of venue, which merely indicated an address for the Community Room at the Saratoga Fire District. On March 10, 2011, the District filed formal opposition to Parent's request. At no time has Student's attorney joined in Parent's request or filed a Response to the District's objections.

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. (34 C.F.R. § 300.511(d); Ed. Code § 56505(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 office of the school district or at those of the SELPA. The school district that the student attends 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

Parents have alleged no factual basis for their request for change of venue to indicate why a change of venue is necessary, advisable or reasonably convenient to the parents and child. While a neutral setting may be desired by all parties, it is not a legal basis of reasonable convenience which is necessary for change of venue. Further, as the District points out in its objections, Parents have provided no information to suggest that their selected venue is appropriate for mediation; specifically, whether the venue will provide more than one private room for mediation, and whether required mediation confidentiality can be maintained in a public setting. Therefore, Parents' request for a change of venue is denied without prejudice.

ORDER

1. Student's request for change of venue is denied without prejudice.
2. In the event Parents desire to refile an appropriate motion for change of venue alleging sufficient facts to support their request, they are instructed to have their attorney file the motion or file a notice of withdrawal of attorney with OAH.

Dated: March 15, 2011

/s/

JUDITH PASEWARK
Administrative Law Judge
Office of Administrative Hearings