

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT; LOS ANGELES COUNTY
OFFICE OF EDUCATION &
CALIFORNIA DEPARTMENT OF
EDUCATION.

OAH CASE NO. 2011030120

ORDER DENYING STUDENT'S
REQUEST FOR CHANGE OF
HEARING LOCATION

On April 19, 2011, Student filed a motion for a change of hearing location. Specifically, Student's attorney requests a change of location from OAH in Van Nuys, California, to the office of the Los Angeles County Office of Education in Downey, California, on the ground that the current hearing location is not convenient for Student's attorney and would necessitate driving expenses. As discussed below, the request is denied.

Consistent with the IDEA, Education Code section 56505, subdivision (b) requires that special education due process hearings "shall be held at a time and place reasonably convenient to the parent or guardian and the pupil." Here, at all times since the March 2, 2011 scheduling order, the hearing location has been identified as OAH's office in Van Nuys, California. Student did not file a written motion to change venue until just two days prior to hearing, after the prehearing conference. Student is over 18 years old and guardianship is not alleged. Student's current residence is set forth in the due process hearing request as a residential treatment center in Texas, not Downey, California. Student's motion was not supported by any evidence that her residence status has since changed. Accordingly, because the current hearing location complies with Education Code section 56505, subdivision (b), the motion to change hearing location is denied.

Dated: April 19, 2011

/s/

RICHARD T. BREEN
Presiding Administrative Law Judge (acting)
Office of Administrative Hearings