

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. 2011050127

ORDER DENYING REQUEST FOR
CHANGE OF VENUE

On May 3, 2011, Student filed a Due Process Hearing Request¹ (complaint) naming District as the respondent. Included in the complaint was a “Motion for Hearing and Mediation Venue” requesting that the location of mediation and hearing in this matter be the Office of Administrative Hearings (OAH) offices located in Oakland, California. The Motion was a single sentence request, without supporting facts or reasons. OAH has received no response.

On May 5, 2011, OAH set the mediation and hearing, in accordance with its normal practices, to occur at District’s offices.

The Motion is denied without prejudice. Additional information is required before a ruling may be made on the pleadings.

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).) Student stated no reasons why District offices are not reasonably convenient. 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.

¹ A request for a due process hearing under Education Code section 56502 is the due process complaint notice required under Title 20 United States Code section 1415(b)(7)(A).

ORDER

Student's "Motion for Hearing and Mediation Venue" is denied without prejudice. Student may re-file the Motion to include supporting reasons why District offices are not reasonably convenient

Dated: May 06, 2011

/s/

JUNE R LEHRMAN
Administrative Law Judge
Office of Administrative Hearings