

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

v.

MANTECA UNIFIED SCHOOL DISTRICT,
SAN JOAQUIN COUNTY OFFICE OF
EDUCATION, AND SAN JOAQUIN
SELPA,

OAH CASE NOS. 2011050574 and
2011060184

MANTECA UNIFIED SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2011050289

ORDER DENYING CHANGE OF
VENUE

On June 23, 2011, Parent filed a Motion to Change Venue of the due process hearing from the Manteca Unified School District, in Stockton, California, to the Office of Administrative Hearings (OAH), in Sacramento, California. District did not respond to Parent's motion.

APPLICABLE LAW

A due process hearing must be conducted "at a time and place that is reasonably convenient to the parents and child involved." (34 C.F.R. § 300.515(d); see also, Ed. Code, § 56505, subd. (b)).

DISCUSSION

Parent and Student live in Stockton California. Parent requested that the hearing be moved from the offices of the Manteca Unified School District, located at 2901 East Louise Avenue, Lathrop, California, a distance of about eight miles, to OAH, located in Sacramento, California, a distance of fifty-five miles. Parent stated that it was his understanding that the hearing would be conducted at the school site unless the Parent requested otherwise. However, the hearing location under IDEA is not any location of Parent's choosing. Instead,

a due process hearing must be conducted at a location reasonably convenient to the parents or the child involved in the matter. Both Parent and Student are located within a reasonable distance from District's offices. District is located about eight miles from Parent's Stockton address, whereas OAH is located about 55 miles from Parent's Stockton address. Accordingly, because the current location meets the criteria of being reasonably convenient to Parent and Student's address, the motion for change of venue is denied.

ORDER

1. The motion to change the venue of the due process hearing to OAH-Sacramento is denied.
2. The hearing shall take place at 2901 East Louise Avenue, Lathrop, California 95330.

Dated: July 10, 2011

/s/

EILEEN M. COHN
Administrative Law Judge
Office of Administrative Hearings