

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

NATOMAS UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2011061055

ORDER GRANTING CHANGE OF  
VENUE

Parents on behalf of Student (Student) filed a request for a due process hearing on June 23, 2011. This matter is set for hearing on September 26, 2011, at the District's offices, located at 1901 Arena Boulevard, Sacramento, California.

On June 30, 2011, Student filed a motion to change the hearing location from the District's offices to the Office of Administrative Hearings (OAH) facilities, located at 2349 Gateway Oaks Drive, Sacramento, California. District has not filed a reply.

APPLICABLE LAW

Due process hearings "shall be held at a time and place reasonably convenient to the parent or guardian and the child involved." (Ed. Code, § 56505, subd. (b); 34 C.F.R. 300.515(d).) "Reasonably convenient" does not mean that the hearing may be located anywhere a parent chooses. Due process hearings are generally scheduled in the offices of the school district as the pupil generally resides within the district's coverage area. If the parent requests an alternative location that appears reasonably convenient, the district may show prejudice and the equities may be weighed. Due process hearings must be fair and conducted so that the parties can exercise their rights as provided for by law. (Ed. Code § 56505(c) & (e).)

DISCUSSION

Student's motion to change the hearing venue from the District offices in the Natomas area of Sacramento, to OAH in Sacramento, does not provide any reasons for the request. In addition, the motion is not supported by any detailed information or evidence.<sup>1</sup> Nevertheless,

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<sup>1</sup> In the future, counsel for both parties should consider submitting substantive, detailed evidence to support or oppose the motion.

the ALJ is stationed at the OAH Sacramento office, and is aware that OAH is also located in the Natomas area, and that District's offices are within approximately five miles of OAH.

District did not file a reply opposing the motion, and the motion is therefore unopposed. There do not appear to be any great distances or travel times involved for either party to weigh in favor of, or against, the motion. Weighing the equities in these circumstances, the Sacramento OAH facilities are determined to be reasonably convenient to Parents and Student. For these reasons, Student's request that the due process hearing be conducted at the OAH offices in Sacramento is granted.

#### ORDER

Student's request for change of venue to OAH in Sacramento is granted. The hearing in this case shall be held at the Sacramento OAH offices.

Dated: July 13, 2011

/s/

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DEIDRE L. JOHNSON  
Administrative Law Judge  
Office of Administrative Hearings