

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

SAN RAMON VALLEY UNIFIED
SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2011120298

ORDER DENYING STUDENT'S
REQUEST FOR A CHANGE OF
HEARING LOCATION

On February 14, 2012, Student filed a request to change the location of the due process hearing then scheduled for March 5-8, 2012, from the San Ramon Valley Unified School District (District) offices in San Ramon, California, to the campus of Orion School (Orion), a certified nonpublic school which Student is currently attending, located in Moraga, California.¹ On February 15, 2012, the District filed an opposition to Student's request.

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

On February 8, 2012, Student filed a request to be permitted to file an amended complaint, and this request (which was unopposed by the District) was granted on February 15, 2012. Due to the filing of the amended complaint, new dates were set for mediation, a prehearing conference and a due process hearing. The due process hearing is now set for April 10, 2012.

¹ Student did not provide a street address for the NPS.

In his request to change the hearing location, Student contends that Orion is a better location for the hearing because it is where “most of the documents and petitioner’s witnesses” are located. The District contends that Orion is 15 miles from its offices, and further asserts that its “witnesses would be required to travel through heavy traffic and the Caldecott tunnel to reach the proposed site.” Both parties’ assertions are flawed. Since the parties are required to exchange documents five business days prior to hearing,² the location of documents at Orion is irrelevant to the decision as to where the hearing is to occur. Further, official notice is taken³ that both San Ramon and Moraga are in Contra Costa County, and parties coming to Orion from the District’s offices would not need to travel through the Caldecott tunnel. However, given the fact that the hearing date has been changed due to the filing of the amended complaint, and the parties’ circumstances may change during the weeks preceding the new hearing date, Student’s request is denied without prejudice as being moot.⁴

ORDER

Student’s request for change of location of due process hearing is denied.

Dated: February 21, 2012

/s/

REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings

² Ed. Code § 56505, subd. (e)(7).

³ Gov. Code § 11515.

⁴ It is suggested that should either party file another motion for change of location, or opposition to such a request, they should provide OAH with accurate information in their pleadings.