

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

PLUMAS UNIFIED SCHOOL DISTRICT,  
PLUMAS COUNTY OFFICE OF  
EDUCATION AND PLUMAS SPECIAL  
EDUCATION LOCAL PLAN AREA.

OAH CASE NO. 2011120543

ORDER GRANTING IN PART AND  
DENYING IN PART STUDENT'S  
MOTION TO CHANGE LOCATION OF  
DUE PROCESS HEARING

PROCEDURAL BACKGROUND

On February 10, 2012, Student filed his Second Amended Due Process Hearing Request<sup>1</sup> (complaint) naming the Plumas Unified School District, the Plumas County Office of Education, and the Plumas Special Education Local Plan Area (all parties shall be collectively referred to herein as Respondents). On March 5, 2012, the Office of Administrative Hearings (OAH) issued a scheduling order, setting the hearing in this matter for March 28 and 29, 2012, at 50 Church Street, Quincy, California, 95971, the address at which it appears all three Respondents have their offices.

STUDENT'S MOTION

On March 8, 2012, Student, through his Mother, filed a motion to change the location of the due process hearing. Student lives in Lake Almanor, California. Student states that the town of Quincy is about 40 miles away from his residence, which he implies is too far to make his mother and him travel for the hearing. Student proposes instead that the hearing be held at a hotel in the town of Chester, California, where his school of residence is located, and which is only 10 miles from where he lives.

The Respondents filed an opposition to Student's motion on March 9, 2012. Their opposition is based upon the fact that Student has proposed a private location for the hearing, which would cause the Respondents to incur unnecessary costs. The opposition does not

---

<sup>1</sup> 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).

address the issue of the distance from Student's home to the present hearing site and does not address whether changing the hearing to somewhere in Chester would create a significant inconvenience for the Respondents or their witnesses.

#### APPLICABLE LAW

Education Code section 56505, subdivision (b), provides that the due process hearing "shall be held at a time and place reasonably convenient to the parent or guardian and the pupil."

#### DISCUSSION

Student has requested that the hearing be moved to the city of Chester, which is only 10 miles from his home and where his school of residence is located. He implies that having him (and his mother) travel 40 miles to the hearing is inconvenient for them. The Respondents raise only cost factors in opposition to Student's motion, pointing out that it is not appropriate to force them to pay for a hearing site when they have adequate and appropriate offices available for that purpose.

There are no provisions under state or federal statutes or regulations for placing the burden on a local educational agency for funding an alternative hearing site. To the extent that Student moves for an order that the hearing be held at a private location to be funded by the Respondents, Student's motion is denied.

However, the Respondents have offered no reason why the hearing should not be held in Chester. A review of the website for the Plumas Unified School District indicates that there is a Junior/Senior High School in Chester, which appears to be the school to which Student refers in his motion as his school of residence. Student's motion to change the hearing location is partially granted. The hearing location is moved to:

CHESTER JUNIOR/SENIOR HIGH SCHOOL  
612 FIRST STREET  
CHESTER, CA 96020

If the Respondents have reasons as to why the hearing cannot be held at this school site, they may raise the issue with the Administrative Law Judge who conducts the prehearing conference in this matter.

IT IS SO ORDERED.

Dated: March 12, 2012

/s/

---

DARRELL LEPKOWSKY  
Administrative Law Judge  
Office of Administrative Hearings