

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

CAMPBELL UNION HIGH SCHOOL  
DISTRICT.

OAH CASE NO. 2012010193

ORDER DENYING REQUEST FOR  
CONTINUANCE OF EXPEDITED  
HEARING DATES

On January 10, 2012, Student filed with the Office of Administrative Hearings (OAH) a Request for Expedited Due Process Hearing against the Campbell Union High School District (District). Student challenges the District's manifestation determination hearing decision and requests that OAH stay the pending expulsion. On January 11, 2012, OAH issued an Amended Expedited Scheduling Order that set the following hearing dates in the case: a prehearing conference for January 30, 2012, and a due process hearing for February 7 to 9, 2012.

On January 27, 2012, Student filed with OAH a request to continue the presently scheduled hearing dates in this expedited matter until after the District completes the pending assessments, which results will help Parent decide if Student's disciplinary conduct was a manifestation of his disability. The District has yet to submit a response.

Under federal special education law, a student can request a due process hearing when challenging a school district's manifestation determination decision that the student's disciplinary conduct was not a direct and substantial relationship to the student's disability. (34 C.F.R. § 300.532(a)(2006).) With such a case, OAH must treat the matter in an expedited manner, and hold the hearing within 20 school days of the filing of the complaint, and issue a decision within 10 school days after the hearing. (34 C.F.R. § 300.532(c)(2)(2006).) This law is mandatory and does not permit OAH to continue the hearing dates in expedited matters. Accordingly, Student's request to continue is denied. The currently scheduled hearing dates shall remain on calendar.

IT IS SO ORDERED.

Dated: January 30, 2012

/s/

---

PETER PAUL CASTILLO  
Administrative Law Judge  
Office of Administrative Hearings