

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ST. HOPE PUBLIC SCHOOLS AND  
TWIN RIVERS UNIFIED SCHOOL  
DISTRICTS.

OAH CASE NO. 2012040459

ORDER DISMISSING EXPEDITED  
HEARING AND VACATING  
EXPEDITED HEARING DATES

On April 11, 2012, Student filed a due process hearing request (complaint) against the St. Hope Public Schools and the Twin Rivers Unified School District. Student's complaint contained both issues subject to an expedited due process hearing procedures and issues subject to the regular due process hearing procedures. On April 12, 2012, the Office of Administrative Hearings set the matter on a dual calendar for both an expedited and a non-expedited due process hearing. On April 23, 2012, Student filed a request to withdraw his expedited issues for hearing.

APPLICABLE LAW

Federal law regulates the circumstances and processes under which students eligible for special education may be disciplined by school districts. (See 20 U.S.C. § 1415(k).) School districts are prohibited from expelling a student with a disability for misbehavior that is a manifestation of the disability. (*Doe v. Maher* (9th Cir. 1986) 793 F.2d 1470.) The school must conduct a review meeting to determine whether the conduct in question was a manifestation of the student's disability. (20 U.S.C. § 1415(k)(1)(E)).

The parent of a student with a disability who disagrees with either a school's decision to change the student's educational placement as a disciplinary measure, or the manifestation determination may appeal by requesting a due process hearing. (20 U.S.C. § 1415(k)(3)(A)). An expedited hearing shall be held within 20 school days of the date the hearing is requested. A decision shall be made by the hearing officer within 10 school days thereafter. (20 U.S.C. § 1415(k)(4)(B).)

A special education due process hearing regarding issues other than discipline must otherwise be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd.

(f), 56505, subd. (f).) Speedy resolution of the due process hearing is mandated by law and continuance of the hearing may be granted only upon a showing of good cause. (Ed. Code, § 56505, subd. (f).)

#### DISCUSSION AND ORDER

In his request, Student states that the parties have resolved the issues pertaining to Student's expulsion. Student attaches communication between the parties in support of his notice of resolution of the expedited issues in this case. Because the parties have resolved the expedited issues in this matter, Student's request to dismiss the expedited issues in this matter is granted. All dates pertaining to the expedited due process hearing are vacated. This matter shall proceed as set under the non-expedited due process hearing dates in the April 12, 2012 scheduling order.

IT IS SO ORDERED.

Dated: April 24, 2012

/s/

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BOB N. VARMA  
Presiding Administrative Law Judge  
Office of Administrative Hearings