

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

POWAY UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2012110589

ORDER DENYING MOTION FOR
CHANGE OF HEARING LOCATION

The due process hearing in this matter is currently set to take place between February 4-7, 2013, at the Poway Unified School District (District)'s office located at 15250 Avenue of Science, San Diego, CA 92128.

On December 6, 2012, Student filed a request to change the hearing location from the District's office to the Office of Administrative Hearings' (OAH's) office located at 1350 Front Street, San Diego, CA 92101. The requested OAH office is 21.4 miles from the District's office, and 20.5 miles from Student's home. Without specifics, Student requested that the hearing location be moved to a "more neutral location." District has not filed a response to Student's request.

A Student has a right to have the hearing held "at a time and place reasonably convenient to the parent or guardian and the pupil." (Ed. Code, § 56505, subd. (b).) Here, given the distance and the traffic patterns in Southern California, Student has not shown that the requested change is to a "reasonably convenient" location. Moreover, Student's concerns regarding neutrality were unexplained, as the hearing location is not determinative of whether the due process hearing is conducted fairly and impartially. The Administrative Law Judge (ALJ) hearing the matter in accordance with governing state and federal statutes and regulation is responsible for conducting a fair hearing at any location.

Thus, the considerations of time, distance, and the convenience of parties and witnesses dictate that District's office, located within 7.5 miles of Student's home is a reasonable, and more convenient location for the hearing.

Accordingly, Student's request to change the location of the due process hearing is denied without prejudice. Student may raise the issue of hearing location at the prehearing conference with the ALJ that will hear the matter.

IT IS SO ORDERED.

Dated: December 13, 2012

/s/

ADENIYI AYOADE
Administrative Law Judge
Office of Administrative Hearings