

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

BELLFLOWER UNIFIED SCHOOL  
DISTRICT AND LOS ANGELES UNIFIED  
SCHOOL DISTRICT.

OAH CASE NO. 2014031056

ORDER DENYING MOTION TO  
CHANGE MEDIATION VENUE

On March 27, 2014, Student filed a Due Process Hearing Request (complaint), naming Bellflower Unified School District (BUSD) and Los Angeles Unified School District (LAUSD). On March 28, 2014, the Office of Administrative Hearings issued a Scheduling Order, setting the mediation on May 1, 2014 at BUSD offices located at 16703 South Clark Avenue, Bellflower, California 90706.

On April 11, 2014 LAUSD filed a request to change the mediation location from BUSD to LAUSD Beaudry Headquarters on the grounds that Student attends LAUSD. OAH construes LAUSD's request as a motion to change the mediation venue (Motion). The Motion was not supported by a declaration and no other grounds or argument was stated by LAUSD.

On April 15, 2014, BUSD filed an objection to LAUSD's Motion. BUSD stated no basis for its objection.

On April 15, 2014, Student filed a notice of non-opposition to LAUSD's Motion. Student states she is attending a LAUSD school located in downtown Los Angeles and that LAUSD is the most convenient location for the mediation because of its proximity to Student's school.

APPLICABLE LAW AND DISCUSSION

The IDEA and the Education Code require that due process hearings be conducted "at a time and place reasonably convenient to the parents and child involved." (34 C.F.R. § 300.515, subd. (d); Ed. Code §56505, subd. (b).) Education Code section 56501 prescribes some of the due process hearing rights of parties, which include, but are not limited to "[t]he right to a mediation conference pursuant to Section 56500.3" and [t]he right to request a mediation conference at any point during the hearing process." Education Code section

56500.3 (h) specifically provides that mediation sessions shall be held in a place “reasonably convenient to the parties” to the dispute.

LAUSD has failed to establish that BUSD is not reasonably convenient to the parties for purposes of holding the mediation. The only reason offered by LAUSD for changing the venue of the mediation is that Student is attending an LAUSD school. LAUSD fails to provide any evidence or explain how this fact makes BUSD less convenient for purposes of holding the mediation. While Student attends an LAUSD school, the complaint lists both Student and her parents as residing in Bellflower. Student does not oppose the Motion, but fails to explain why the proximity of LAUSD Beaudry Headquarters to Student’s school makes the proposed location more convenient. BUSD is a named party in this case and based upon the allegations in the complaint, it does not appear to be a peripheral party. LAUSD has failed to make the showing necessary to justify a change in location based upon “reasonable convenience.”

#### ORDER

LAUSD’s Motion to change the location of the mediation is denied.

DATE: April 16, 2014

/s/

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LAURIE GORSLINE  
Administrative Law Judge  
Office of Administrative Hearings