

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ELK GROVE UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2015050154

ORDER GRANTING IN PART
REQUEST TO RESCHEDULE
EXPEDITED HEARING DATES AND
CORRECTING EXPEDITED HEARING
START DATE

On April 30, 2015, Student filed a Due Process Hearing Request against Elk Grove Unified School District. On May 12, 2015, the Office of Administrative Hearings issued a Scheduling Order and Notice of Expedited and Non-Expedited Due Process Hearing and Mediation. The Scheduling Order set this matter on a dual calendar, with the expedited matter being set for hearing on June 2 through 4, 2015.

On May 15, 2015, Student filed a request to reschedule the expedited hearing dates in this matter based upon unavailability as Student's family has planned vacation for June 2 and 3, 2015. District has not submitted a response.

A parent of a child with a disability who disagrees with any decision by a school district regarding a change in educational placement of the child based upon a violation of a code of student conduct, or who disagrees with a manifestation determination made by the district, may request and is entitled to receive an expedited due process hearing. (20 U.S.C. § 1415(k)(3)(A); 34 C.F.R. § 300.532(a) (2006).) An expedited due process hearing before OAH must occur within 20 school days of the date the complaint requesting the hearing is filed. (20 U.S.C. § 1415(k)(4)(B); 34 C.F.R. § 300.532(c)(2) (2006).) The procedural right to an expedited due process hearing is mandatory and does not authorize OAH to make exceptions or grant continuances of expedited matters to start past the 20th school day. (*Ibid.*)

In reviewing the scheduling order, OAH scheduled the expedited hearing to start past the 20th school day for District high school Student attends. A review of the school calendar shows that the 20th school day is Friday, May 29, 2015.

OAH has reviewed the request and considered all relevant facts and circumstances. The request is:

Granted in part. As the 20th school day after the filing of Student's expedited hearing request is May 29, 2015, the commencement of the hearing shall be moved to

May 28, 2015. As to Parents' and Student's unavailability due to a pre-planned family vacation, the subsequent expedited hearing dates will be adjusted. Therefore, this matter will be set as follows:

Expedited Due Process
Hearing:

May 28, 2015, at 9:30 AM, June 4, 2015, at
9:30 AM, June 8, 2015, at 1:30 PM, and continuing
day to day, Monday through Thursday, as needed at
the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: May 18, 2015

/s/

PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings