

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

VISALIA UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2009020530

ORDER DENYING STUDENT'S  
MOTION FOR CHANGE OF VENUE

On February 19, 2009, Student filed a request for due process hearing, as well as a motion for change of venue. On February 23, 2009, Visalia Unified School District (District) filed an opposition to Student's motion for change of venue.

Student, through his counsel, has requested that the due process hearing be held at the Office of Administrative Hearings (OAH) located in Oakland, California, as opposed to the District's office. The motion states that OAH's Oakland office is "most convenient for the Student and Parents."

The District contends that OAH's Oakland office is approximately 225 miles from the home of Student and his parents<sup>1</sup>, and approximately 224 miles from the District's office.<sup>2</sup> Consequently, the District challenges the conclusion of Student's counsel that OAH's Oakland office "is most convenient for the Student and Parents."

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).) Student's motion merely states that the venue change is the "most convenient for the Student and Parents." It contains no declaration or other evidence setting forth any facts and circumstances demonstrating how the Oakland OAH office is reasonably convenient for the Student and his parents, especially given the fact that the Student and his parents reside approximately 225 miles from Oakland. Because his motion does not sufficiently show how a 225 mile venue change is "reasonably convenient" for the Student and his parents, Student's motion for change of venue is denied.

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<sup>1</sup> Student's request for due process hearing indicates that Student and his parents reside in Visalia, California, within the District.

<sup>2</sup> Pursuant to Administrative Procedure Act § 11515, the ALJ takes official notice of the District's attachments from Mapquest.

ORDER

Student's motion for change of venue is denied.

Dated: February 24, 2009

/s/

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CARLA L. GARRETT  
Administrative Law Judge  
Office of Administrative Hearings