

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

FORTUNA UNION ELEMENTARY
SCHOOL DISTRICT.

OAH CASE NO. 2010101004

ORDER GRANTING CHANGE OF
VENUE

On November 16, 2009, the Fortuna Union Elementary School District (District) filed a motion to conduct the due process hearing in this case at the offices of the Humboldt County Office of Education (HCOE), rather than at the District office because of construction at the District office. Student did not file a response to the District's motion.

APPLICABLE LAW AND DISCUSSION

The place for conducting a due process hearing must be reasonably convenient to the parents and pupil involved the proceeding. California Education Code section 56505, subdivision (b), directs the place for a due process hearing and provides:

(b) The hearing shall be held at a time and place reasonably convenient to the parent or guardian and the pupil.

The District requested to change to hearing location because its office is not available due to construction. HCOE is located in Eureka, California, 22 miles from the District offices. Student did not contend that HCOE is not reasonably convenient to Parents or the witnesses in this matter. Therefore, the District established good cause for a change in venue to a reasonably convenient hearing location due to the unavailability of the District offices.

ORDER

1. The District's motion to change venue is granted and the due process hearing in the above case shall be heard at the Humboldt County Office of Education, 901 Myrtle Avenue, Eureka, California 95501.

2. The date for hearing, December 13, 2010, remains as previously set.

Dated: November 22, 2010

/s/

PETER-PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings