

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SOUTH PASADENA UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2011110375

ORDER DENYING MOTION FOR
CHANGE OF VENUE

On January 23, 2012, Student filed a motion for a change of hearing location. Specifically, Student's attorney requests a change of location from the District's offices in South Pasadena to the offices of OAH in Van Nuys, California, on the ground that the current hearing location is not convenient for Student's witnesses. District opposed the request on the ground that a location change would be inconvenient for District's attorney. As discussed below, the request is denied.

Consistent with the IDEA, Education Code section 56505, subdivision (b) requires that special education due process hearings "shall be held at a time and place reasonably convenient to the parent or guardian and the pupil." Here, at all times since the November 10, 2011 scheduling order, the hearing location has been identified as the District's office in South Pasadena, California. Student first made an oral motion to change venue at the prehearing conference (PHC) held on January 23, 2012 at 1:30 p.m. just one week before the hearing, and did not file a written motion to change venue until after the close of business following the PHC on January 23, 2012.

Student's current residence set forth in the due process hearing request is in South Pasadena, California, not Van Nuys, California. The IDEA requires that the hearing location be reasonably convenient to the parent or guardian and the pupil, not the witnesses or attorneys. Accordingly, because the current hearing location complies with Education Code section 56505, subdivision (b), the motion to change hearing location is denied.

Dated: January 26, 2012

/s/

STELLA OWENS-MURRELL
Administrative Law Judge
Office of Administrative Hearings