

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN FRANCISCO UNIFIED SCHOOL DISTRICT, BERKELEY UNIFIED SCHOOL DISTRICT, AND OAKLEY UNION ELEMENTARY SCHOOL DISTRICT.

OAH CASE NO. 2013030851

ORDER GRANTING REQUEST TO CHANGE LOCATION OF MEDIATION AND DUE PROCESS HEARING

Student filed a Request for Due Process Hearing (complaint) with the Office of Administrative Hearings (OAH) on March 20, 2013, naming San Francisco Unified School District (San Francisco), Berkeley Unified School District (Berkeley), and Oakley Union Elementary School District (Oakley). On March 22, 2013, OAH sent the parties a Scheduling Order and Notice of Due Process Hearing and Mediation (scheduling order), giving the address of San Francisco’s administrative offices as the location for the mediation and due process hearing.

On April 12, 2013, Student filed a request to change the location of the mediation (request for location change) to Oakley which where Student resides.<sup>1</sup> On April 15, 2013, San Francisco filed an opposition to the request for location change. On April 16, 2013, Student filed a response to that opposition. Berkeley and Oakland filed no response to either party’s filings.

APPLICABLE LAW, DISCUSSION, AND ORDER

Education Code section 56500.3, subdivision (h) states that “Any mediation conference held . . . shall be held at a time and place reasonably convenient to the parties to the dispute. . . .” Although San Francisco has objected to the change of location to Oakley, claiming it is “inconvenient,” and asked the location be changed to either Berkeley’s

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<sup>1</sup> Student also asked for a change of mediator. OAH assigns mediators based on the operational needs of the office, and while it will try to accommodate the request of parties in a matter for a specific mediator, it cannot guarantee that the requested mediator will be assigned.

administrative offices, or Oakland OAH, the other parties have not objected to Student's request.

Student's residence is in Oakley. Further, in his response to San Francisco's opposition, Student states that Mother does not have transportation. Accordingly, OAH finds that the appropriate location for both mediation and the due process hearing is in Oakley. OAH shall issue a notice of the change of location for the mediation and due process hearing.<sup>2</sup>

IT IS SO ORDERED.

Dated: April 18, 2013

/s/

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REBECCA FREIE  
Administrative Law Judge  
Office of Administrative Hearings

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<sup>2</sup> If all the parties subsequently agree on another location for the due process hearing, they may address it at the prehearing conference scheduled for May 8, 2013.