

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

WISEBURN ELEMENTARY SCHOOL  
DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NO. 2013030977

ORDER GRANTING REQUEST TO  
CHANGE MEDIATION AND DUE  
PROCESS HEARING LOCATION

On March 29, 2013, Karen E. Gilyard, the attorney representing the Wiseburn Elementary School District (District) submitted a request to change the location for the mediation and due process hearing currently scheduled for April 10, 2013, and April 23, 2013,<sup>1</sup> respectively. Even though the Office of Administrative Hearings (OAH) has not received a response from Student, the proof of service attached to the request indicates that it was duly served on Student's Parents.

APPLICABLE LAW AND DISCUSSION

Under the Individuals with Disabilities Act (IDEA) and state law, hearings must be conducted at a time and place that is reasonably convenient to the parents and child involved. (34 C.F.R. §300.515(d); Ed. Code, §56505(b).) Therefore, due process hearings are generally scheduled at the school district offices, the office of the Special Education Local Plan Area to which the District belongs, or the regional OAH office closest to the parents' residence.

In its request for change of location for the mediation and hearing, District explains that it would be unable to accommodate the scheduled mediation and due process hearing at its offices, and as such would like to change the location to Cabrillo Elementary School located within 0.5 mile of Parent's residence. OAH has evaluated District's request and found that the distance between Parents/Student's address and the original location (District offices) is about 1 mile, while the distance between Cabrillo Elementary School and Student's Parents' address is about 0.5 mile. Thus, both locations are reasonably convenient for the Parent.

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<sup>1</sup> The due process hearing shall begin on April 23, 2013, and continue day-to-day through Thursday, and as needed at the discretion of the Administrative Law Judge.

Accordingly, Cabrillo Elementary School is an appropriate hearing location. As such, the request to change the mediation and due process hearing location to Cabrillo Elementary School is granted and the mediation and due process hearing shall be held at the Cabrillo Elementary School as indicated below.

ORDER

1. District's request to change the location for the mediation and the due process hearing is granted.

2. The April 10, 2013 mediation and the April 23, 2013 due process hearing shall take place at the at the **Cabrillo Elementary School, 5309 West 135th Street, Hawthorne, CA 90250**.

IT IS ORDERED

Dated: April 9, 2013

/s/

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ADENIYI AYOADE  
Administrative Law Judge  
Office of Administrative Hearings