

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

OAH Case No. 2015040188 (Primary)

v.

PANAMA-BUENA VISTA UNION  
SCHOOL DISTRICT.

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PANAMA-BUENA VISTA UNION  
SCHOOL DISTRICT ,

OAH Case No. 2015031164 (Secondary)

v.

PARENT ON BEHALF OF STUDENT.

ORDER SETTING EXPEDITED DUE  
PROCESS HEARING

On August 12, 2015, the Office of Administrative Hearings granted Student leave to amend his due process hearing request (complaint) naming Panama-Buena Vista Union School District. The amended complaint was deemed filed on that date, and all applicable timelines in these consolidated cases were reset as of August 12, 2015. Student's amended complaint contained expedited claims.

On August 12, 2015, OAH issued a scheduling order with dual hearing dates in the consolidated cases. The expedited due process hearing was scheduled to take place on September 10, 2015.

On August 13, 2015, OAH issued an amended scheduling order in these consolidated matters setting the expedited due process hearing for September 8, 9 and 10, 2015.

On August 19, 2015, in an unrelated matter before OAH in which Student's counsel represents the petitioner, an ongoing hearing was continued to dates including September 8 and 9, 2015.

On August 24, 2015, Student filed a motion in these consolidated matters to continue the first day of the expedited hearing in this case to September 15, 2015, due to the schedule conflict with the ongoing hearing. The motion was supported by the unsworn declaration of

Student's counsel and a copy of District's 2015-2015 academic calendar. No opposition was received from District.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) However, when a matter is filed as an expedited due process hearing on a disciplinary matter, the hearing must occur within 20 school days of receipt of the due process complaint, and a decision issued within 10 days of the expedited hearing. (20 U.S.C. § 1415(k)(4)(B).) There is no provision of law authorizing the continuance of an expedited hearing.

OAH records establish a calendar conflict for Student's counsel between the expedited hearing dates set in this matter for September 8 and 9, 2015 and an ongoing hearing scheduled through those same dates. The first available hearing date not in conflict with the ongoing hearing is September 10, 2015, which date is within 20 school days of the receipt of the amended complaint according to the undisputed copy of District's 2015-2016 school calendar.

Accordingly, the expedited hearing in these consolidated matters shall be set on September 10, 14 and 15, 2015, and continue day to day at the discretion of the ALJ. The expedited hearing shall begin each day at 9:00 a.m. and end at 4:30 p.m., with the exception of the first day of hearing, on which day the hearing shall begin at 9:30 a.m., and September 14, 2015, on which day the hearing shall begin at 1:30 p.m., unless otherwise ordered.

IT IS SO ORDERED.

DATE: August 28, 2015

/s/  
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ALEXA J. HOHENSEE  
Administrative Law Judge  
Office of Administrative Hearings