BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. SAN DIEGO UNIFIED SCHOOL DISTRICT,	OAH Case No. 2018030762
SAN DIEGO UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2018041298 ORDER DENYING MOTION TO EXPEDITE DUE PROCESS HEARING

On March 16, 2018, Student filed a Request for Due Process Hearing with the Office of Administrative Hearings, naming San Diego Unified School District. On April 27, 2018, District filed a Request for Due Process Hearing with OAH, naming Student. On May 4, 2018, OAH consolidated the cases. On May 14, 2018, OAH granted Student's Motion to Amend the Request for Due Process Hearing and OAH issued a new scheduling order and set the due process hearing for July 10, 2018. Neither Student's complaint nor amended complaint requested an expedited hearing and OAH did not identify any issues in the complaint or amended complaint that warranted an expedited hearing.

On May 18, 2018, Student filed a letter with OAH, requesting that OAH expedite the matter due to District's failure to timely complete Student's triennial individualized education program.[1] On May 31, 2018, District filed an opposition to Student's motion on the grounds that Student's complaint does not contain any issues appropriate for an expedited due process hearing.

APPLICABLE LAW AND DISCUSSION

A parent of a child with a disability who disagrees with any decision by a school district regarding a change in educational placement of the child based upon a violation of a

[1] Student's letter will be treated as a Motion to Expedite the Due Process Hearing.

code of student conduct, or who disagrees with a manifestation determination made by the district, may request and is entitled to receive an expedited due process hearing. (20 U.S.C. § 1415(k)(3)(A); 34 C.F.R. § 300.532(a) (2006).) An expedited due process hearing before OAH must occur within 20 school days of the date the complaint requesting the hearing is filed. (20 U.S.C. § 1415(k)(4)(B); 34 C.F.R. § 300.532(c)(2) .)

An expedited hearing is not appropriate in Student's case. Student's complaint does not contain any issues related to a change of placement as a result of a code of student conduct violation or a manifestation determination. Instead, Student's motion seeks an expedited hearing as a result of District's failure to timely complete Student's triennial IEP. This is not an appropriate purpose to expedite the due process hearing. Therefore, Student's Motion to Expedite the Due Process Hearing is denied.

IT IS SO ORDERED.

DATE: June 8, 2018

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Tara Doss
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TARA DOSS
Administrative Law Judge
Office of Administrative Hearings