BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

SAN LUIS COASTAL UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026010011

ORDER GRANTING MOTION TO UNEXPEDITE HEARING

JANUARY 15, 2026

On December 31, 2025, Parent on behalf of Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, called OAH, naming San Luis Coastal Unified School District, called San Luis Coastal. Based on issues alleged in the complaint, on January 2, 2026, OAH issued a Scheduling Order Setting Dual Hearings Dates, Including Expedited and Non-Expedited Due Process Hearing, Prehearing Conference, and Mediation dates.

On January 13, 2026, Student filed a motion to unexpedite the hearing. On the same date, San Luis Coastal filed a statement of non-opposition to Student's motion to unexpedite the hearing.

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 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).) The procedural right to an expedited due process hearing is mandatory and does not authorize OAH to make exceptions or grant continuances of expedited matters. (*Ibid.*) A matter can only be unexpedited or continued if no issue is alleged that is subject to an expedited hearing, if the student withdraws the issues in the complaint that triggered the expedited hearing, or if the student elects to challenge the change of placement under title 20, section 1415, subdivision (b)(6)(A) and not subdivision (k). (*Molina v. Bd. of Educ. of Los Lunas Schools* (D.N.M. 2016) 157 F.Supp.3d 1064, 1068-1071 (*Molina*.)

Although the complaint includes facts concerning a disciplinary change of placement without a manifestation determination, Student argues he intentionally did not allege facts that constitute an appeal pursuant to section 1415(k)(3). Student contends he does not seek an order requiring San Luis Coastal to convene a manifestation determination meeting or return Student to his prior placement. Student argues the parties agreed to a change of placement in an individualized education program dated October 3, 2025. Student seeks to challenge the change of placement under title 20, section 1415, subdivision (b)(6)(A), and does not seek an appeal pursuant to section 1415(k)(4)(B). Student has demonstrated the mandatory provisions of section 1415(k)(4)(B) for an expedited hearing do not apply. (*Molina, supra,* 157 F.Supp.3d 1064, 1068-1071.) Accordingly, the expedited hearing dates will be vacated.

ORDER

1. Student's motion to unexpedite this matter is granted.
2. The expedited dates are vacated.
3. The matter shall proceed on the dates set for the unexpedited hearing, unless otherwise ordered.

Jennifer Kelly

Jennifer Kelly

Administrative Law Judge

Office of Administrative Hearings