BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

HEMET UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025110260

ORDER FOLLOWING EXPEDITED PREHEARING CONFERENCE GRANTING MOTION TO UNEXPEDITE HEARING

DECEMBER 1, 2025

On December 1, 2025, Administrative Law Judge Jeanie Min, Office of Administrative Hearings, held the expedited prehearing conference by videoconference. The Administrative Law Judge is called an ALJ. The Office of Administrative Hearings is called OAH. The prehearing conference is called a PHC.

Attorney Richard Isaacs appeared on behalf of Student. Attorney Austin Jones appeared on behalf of Hemet Unified School District. The PHC was recorded.

On November 7, 2025, Student filed a due process hearing request, called a complaint, against Hemet. On November 7, 2025, based on issues asserted in the complaint, OAH issued a Scheduling Order Setting Dual Hearing Dates, Prehearing

Conference and Mediation. The Scheduling Order set this matter for expedited mediation on November 21, 2025, expedited prehearing conference on December 1, 2025, and expedited hearing for December 9, 10, and 11, 2025.

On November 21, 2025, Student filed a motion to unexpedite this matter and vacate the expedited dates. On November 21, 2025, Hemet filed a notice of non-opposition to Student's motion.

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), all subsequent references to the Code of Federal Regulations are to the 2006 version.) 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.)

Student contends Hemet denied him a free appropriate public education, called a FAPE, from April 2024 to the date of the filing of the complaint, by failing to offer Student appropriate goals, related services, and placement to address his academic, social-

emotional needs and maladaptive behaviors. As a remedy, Student seeks placement in a residential treatment center, and compensatory education.

Student demonstrated that no expedited issues were alleged in the complaint. Although the complaint refers to a May 25, 2025 manifestation determination meeting in Student's Issue 2(i), that issue states only that Hemet denied Student a FAPE both before and after that meeting by failing to appropriately address Student's behavioral needs and provide adequate supports and interventions. Student did not raise the procedure for the manifestation determination as an issue, or the substance of the manifestation determination team's conclusion that Student's conduct was not a manifestation of his disability.

Student did not intend to raise the manifestation determination as an issue, and did not allege facts that constitute an appeal pursuant to Section 1415(k)(3). Thus, the mandatory provisions of Section 1415(k)(4)(B) for an expedited hearing do not apply here. (*Molina*, *supra*, 157 F.Supp.3d 1064, 1068-1071.) Accordingly, the expedited hearing dates are vacated.

ORDER

1. The motion to unexpedite this matter is granted.
2. The expedited hearing scheduled for December 9, 10, and 11, 2025 is vacated.
3. The unexpedited prehearing conference will be held on December 15, 2025 at 1:00 PM, and the unexpedited hearing shall proceed on December 23, and 24, 2025.

IT IS SO ORDERED.

Jeanie Min

Jeanie Min

Administrative Law Judge

Office of Administrative Hearings