BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025120006

ORDER DENYING STUDENT'S REQUEST FOR CONTINUANCE OF EXPEDITED DUE PROCESS HEARING;

ORDER DELAYING START TIME TO 1:00 PM.

MARCH 3, 2026

On March 2, 2026, Student filed a request to continue the expedited due process hearing with the Office of Administrative Hearings, or OAH. Student contends the hearing should be continued for the following reasons:

- Student's scheduled appearance in mental health court at 8:30 AM on March 5, 2026, is the same day as the expedited OAH hearing;
- Student is unavailable because he is currently on a psychiatric hold;

- Parent's mother's funeral is the following day, and Parent will be unavailable before then due to obligations regarding the funeral; and

- Both Student and Parent experience post traumatic stress, and need additional time to prepare for the expedited hearing.

As of the date of this Order, Los Angeles Unified District has not filed a reply. While OAH typically allows three business days for a reply to a motion before OAH makes a ruling, that custom was not followed in the present instance because of the short timeline imposed by an expedited case, and because Student's motion to continue must be denied as a matter of law.

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 solely as a denial of a free appropriate public education pursuant to Section 1415, subdivision (b)(6) and not a manifestation determination violation pursuant to

subdivision (k). (*Molina v. Bd. of Educ. of Los Lunas Schools* (D.N.M. 2016) 157 F.Supp.3d 1064, 1068-1071.)

Student's Issue One alleges a failure to conduct a manifestation determination review and thus constitutes an appeal under Section 1415(k)(3). Parent confirmed this at the expedited Prehearing Conference. Therefore, the mandatory provisions of Section 1415(k)(4)(B) for an expedited hearing apply. (*Molina*, *supra*, 157 F.Supp.3d 1064, 1068-1071.) Accordingly, the motion to continue the expedited hearing must be denied. Hearing will be held as scheduled on March 5, 2026. Student did represent that a conflict exists with a previously scheduled court date. Accordingly, the first day of hearing will be delayed to accommodate the appearance. The hearing will begin at 1:00 PM instead of 9:30 AM.

Nothing in this Order prohibits Student from withdrawing his expedited issues or otherwise filing a further motion to unexpedite and clarifying that Student is pursuing these issues solely as a denial of a free appropriate public education pursuant to Section 1415, subdivision (b)(6).

ORDER

1. Student's motion to continue the expedited due process hearing is denied. All prehearing conference and due process hearing dates are confirmed and will proceed as calendared.
2. On March 5, 2026, the first day of hearing, hearing will begin at 1:00 PM.

IT IS SO ORDERED.

Claire Yazigi

Claire Yazigi

Administrative Law Judge

Office of Administrative Hearings