BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

UKIAH UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026010135

ORDER GRANTING MOTION TO UNEXPEDITE HEARING

JANUARY 23, 2026

On January 6, 2026, Student filed a Due Process Hearing Request, known as a complaint, against Ukiah Unified School District. On January 8, 2026, based on issues asserted in the complaint, the Office of Administrative Hearings, referred to as OAH, issued a Scheduling Order and Notice of Expedited and Non-Expedited Due Process Hearing and Mediation, Scheduling Order. The Scheduling Order set this matter for expedited mediation on January 21, 2026, expedited prehearing conference on January 26, and expedited hearing for February 3, 4, and 5, 2026.

On January 20, 2026, the parties filed a joint motion to unexpedite the hearing and vacate the expedited dates. The motion to unexpedite was supported by the sworn declaration of counsel for Student. On January 20, 2026, the expedited mediation was cancelled by Ukiah due to the pending motion to unexpedite.

APPLICABLE 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), 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.)

DISCUSSION

Student's complaint raises multiple issues, some of which raise both expedited and non-expedited claims. However, the sworn declaration of Student's counsel established that Student did not intend to raise any issues which would fall under the grounds for an expedited due process hearing. Accordingly, all issues raised in Student's complaint will proceed as allegations of denials of a FAPE, and not pursuant to title 20. Section 1415, subdivision (k). Accordingly, the expedited prehearing conference and expedited hearing dates are vacated.

ORDER

1. The parties' joint motion to unexpedite this matter is granted.
2. The following expedited dates are vacated: prehearing conference, January 26, 2026, and expedited due process hearing, February 3, 4, and 5, 2026.
3. The unexpedited matter shall proceed on the following dates: prehearing conference, February 13, 2026, at 1:00 PM, and due process hearing February 24, 25, and 26, 2026.
4. Student will be excluded from adjudicating expedited claims.

IT IS SO ORDERED.

Rita Defilippis

Rita Defilippis
Administrative Law Judge
Office of Administrative Hearings