BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

PALMDALE SCHOOL DISTRICT AND EASTSIDE UNION SCHOOL DISTRICT.

OAH CASE NUMBER 2026030446

ORDER DENYING MOTION TO UNEXPEDITE HEARING

MARCH 20, 2026

On March 9, 2026, Student filed a Due Process Hearing Request, known as a complaint, against Palmdale School District and Eastside Union School District. 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. Specifically, Student asserted that Palmdale denied her a free appropriate public education by failing to hold a manifestation determination meeting following her removal for more than 10 cumulative school days.

On March 18, 2026, the parties filed a joint stipulation, deemed a motion, to unexpedite this matter and vacate the expedited dates. The joint stipulation asserts that the parties agree the complaint does not contain any issues that must be resolved through an expedited hearing. Additionally, they stipulate that Student is no longer enrolled in Palmdale so any issues related to an alleged failure to hold a manifestation determination meeting are not expedited issues. The parties provided no law supporting their request.

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

The parties seek to vacate the expedited hearing dates even though issues raised in the complaint are subject to an expedited time frame. As noted above, Student is challenging Palmdale's failure to hold a manifestation determination review meeting following 10 days of disciplinary removal. Once expedited issues are raised, the expedited hearing time frame applies. The parties provided no legal authority supporting an exception to the mandatory expedited timeframe, including Student's disenrollment. Accordingly, the motion to unexpedite the hearing dates must be denied. Nothing in this order prevents Student from dismissing the expedited claim.

ORDER

1. The motion to unexpedite the hearing dates is denied.
2. The expedited hearing shall proceed as scheduled.

IT IS SO ORDERED.

Joy Redmon

Joy Redmon
Presiding Administrative Law Judge
Office of Administrative Hearings