BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2017070277
v.	ORDER DENYING HAYWARD UNIFIED SCHOOL DISTRICT'S REQUEST TO RECONSIDER ORDER SCHEDULING EXPEDITED HEARING
HAYWARD UNIFIED SCHOOL DISTRICT.	

On July 10, 2017, Student filed a Request for Expedited Due Process Hearing. On July 11, 2017, the Office of Administrative Hearings issued a Scheduling Order setting the expedited hearing on August 2 and 3, 2017, continuing day to day, Monday through Thursday at the discretion of the Administrative Law Judge. On July 19, 2017, Hayward Unified School District filed a Motion to Reconsider the Order Scheduling the Expedited Hearing. On July 21, 2017, Student filed an Opposition to District's Motion to Reconsider the Order Scheduling Expedited hearing.

APPLICABLE LAW

20 U.S.C. 1415(k)(4)(B) states, "the State or local educational agency shall arrange for an expedited hearing, which shall occur within 20 school days of the date the hearing is requested and shall result in a determination within 10 school days after the hearing."

DISCUSSION

In the present case, Student requested an expedited due process hearing on July 10, 2017. The expedited hearing was scheduled to begin August 2, 2017, which is within 20 school days of Student's request for expedited hearing. OAH properly scheduled the expedited hearing as required by 20 U.S.C. 1415 (k)(4)(B).

The statute requires the hearing be conducted before the expiration of 20 school days. It does not require that school be in session or that the hearing take place on a particular school day. In fact, an earlier expedited hearing is in keeping with the speedy resolution mandate of the Individuals with Disabilities Education Act, which is emphasized further when placement changes due to disciplinary actions are contemplated by the IDEA's creation

of the expedited hearing process. Accordingly, Hayward's request for reconsideration is Denied.

ORDER

Hayward's Motion for Reconsideration is Denied.

IT IS SO ORDERED.

DATE: July 21, 2017

DocuSigned by:
Rita Defilippis
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RITA DEFILIPPIS
Administrative Law Judge
Office of Administrative Hearings