BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

STOCKTON UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025120010

ORDER DENYING MOTION TO UNEXPEDITE HEARING

DECEMBER 9, 2025

On November 26, 2025, Student filed a Due Process Hearing Request, known as a complaint, naming Stockton Unified School District as respondent. On December 1, 2025, 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. Student's complaint asserts, among other issues, that Stockton failed, "to conduct a manifestation determination hearing prior to removal on November 27, 2023."

On December 8, 2025, Student filed a motion to unexpedite this matter and vacate the expedited dates. Student argued the expedited dates should be vacated because no expedited remedies were sought by Student.

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 seeks to vacate the expedited hearing dates even though issues raised in the complaint are subject to an expedited time frame. Specifically, Student's claim regarding Stockton's failure to hold a manifestation determination review prior to Student's November 27, 2023, removal. The expedited time frame attaches to the issues pled, not the remedies sought. Once an expedited issue is raised, unless it is withdrawn, the expedited hearing time frame applies. Accordingly, the motion to unexpedite the

hearing dates must be denied. Nothing in this order prevents Student from dismissing or withdrawing the expedited claim raised in the complaint.

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