BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

SAN LORENZO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026020543

ORDER FOLLOWING EXPEDITED PREHEARING CONFERENCE FOR HEARING BY VIDEOCONFERENCE, GRANTING SAN LORENZO'S MOTION TO REMOVE EXPEDITED HEARING DATES

FEBRUARY 25, 2026

On February 23, 2026, Administrative Law Judge Daniel Senter, Office of Administrative Hearings, held a prehearing conference by videoconference. The Administrative Law Judge is called an ALJ. The Office of Administrative Hearings is called OAH. The prehearing conference is called a PHC.

Attorney Kathleen Aberegg appeared on behalf of Student. Attorney Aimee Perry appeared on behalf of San Lorenzo Unified School District. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

SAN LORENZO'S MOTION TO REMOVE EXPEDITED HEARING DATES

On February 18, 2026, San Lorenzo filed a motion to remove expedited hearing dates. Student did not file a response to the motion. Student filed a PHC statement at 10:15 PM on February 19, 2026, which Student asserted at the PHC was responsive to the motion. San Lorenzo asserted the PHC statement was filed late. The ALJ did not strike Student's PHC statement and considered it at the PHC and in this Order. The parties argued the motion to remove expedited hearing dates at the PHC. The ALJ took the motion under submission.

San Lorenzo contends Student's complaint does not allege any issues or underlying facts that trigger an expedited due process hearing. San Lorenzo asserts that the complaint does not allege that a change of placement occurred or that a manifestation determination review occurred or was required. San Lorenzo contends Student's PHC statement alleges new issues not contained in or supported by the complaint. Moreover, San Lorenzo argues the complaint did not request an expedited due process hearing as page one of the complaint states that Student requests the hearing take place "at the earliest non-expedited date" and no expedited remedies were sought in the complaint.

Student contends the narrative factual portion of Student's complaint sets forth the expedited issues in this case. Student's attorney represented that she realized after filing the due process hearing request, and after OAH set the expedited hearing dates in

this matter, there were expedited issues. For this reason, Student asserts the expedited issues are as articulated in Student's PHC statement.

Title 20 United States Code section 1415(k) and title 34 Code of Federal Regulations, part 300.530, et seq. (2006), govern the discipline of students receiving special education services. (Ed. Code, § 48915.5.) 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).) 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 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).

Here, upon receipt of Student's complaint on February 12, 2026, OAH identified potential expedited and non-expedited issues, and set the case for both expedited and non-expedited due process hearings. However, upon clarification of the issues at the PHC, the issues did not give rise to expedited claims.

At the PHC, Student was asked to provide clarity about which claims were expedited in the complaint. Student did not identify any expedited issues in the complaint. The undersigned ALJ questioned Student's attorney whether Issue R in the

complaint was intended as an expedited issue, or served as a basis for an expedited issue. Issue R reads: "Did the District fail to follow the law regarding the timely delivery of behavioral, incident, and emergency reports to Parents." Student's attorney stated it was not an expedited issue, but rather a procedural violation that amounted to a denial of a free appropriate public education. Student failed to identify any other issues in the complaint that were subject to an expedited due process hearing.

In addition, the issues contained in Student's PHC statement were very specific and were not appropriately contained in the complaint. While Student's attorney identified that the complaint alleged Student was suspended for five days, and Student was removed from school in other instances, Student did not allege there was a disciplinary change of placement. Moreover, Student did not plead in the complaint whether a manifestation determination review meeting was held, or that one should have been held, during the 2025-2026 school year.

For all these reasons, Student's issues, as clarified and reviewed at the PHC, did not give rise to expedited claims. Accordingly, San Lorenzo's motion is granted.

Nothing in this order prevents Student from filing a motion to amend the complaint to seek to adjudicate the issues in Student's PHC statement.

ORDER

1. San Lorenzo's motion to remove the expedited hearing dates is granted.
2. The expedited due process hearing dates are vacated.
3. The matter will proceed as scheduled, including the non-expedited prehearing conference on March 23, 2026, at 3:00 PM, and the non-expedited due process hearing on April 2, 2026.

Daniel Senter

Daniel Senter
Administrative Law Judge
Office of Administrative Hearings