BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

TRIVIUM CHARTER SCHOOL,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NUMBER 2020010158

ORDER GRANTING MOTION TO CHANGE VENUE

JANUARY 30, 2020

On January 3, 2020, Trivium Charter School filed a Request for Due Process Hearing naming Student as a party. On January 17, 2020, the Office of Administrative Hearings, also called OAH, scheduled the hearing at the location of the charter school, at Living Faith Center, 4597 Hollister Avenue, Santa Barbara, California 93110.

On January 29, 2020, Trivium made a motion to change the hearing location to Pacific Suites, Fireside Conference Room, 5490 Hollister Avenue, Santa Barbara, California 93111. OAH has not received a response from Student.

APPLICABLE LAW

The place for conducting a due process hearing must be reasonably convenient to the parents and student involved the proceeding. (34 C.F.R. § 300.515, subd. (d).) California Education Code section 56505, subdivision (b), directs the place for a due process hearing and provides that the "hearing shall be held at a time and place reasonably convenient to the parent or guardian and the pupil."

DISCUSSION

Trivium requested a change of venue on the ground that the location at the Living Faith Church does not comply with OAH's Order Following Prehearing Conference, dated January 27, 2020. The space at Living Faith Church cannot be locked each night, and is not available on Fridays, in the event the matter is continued day to day. The newly proposed location at Pacific Suites is close to the charter school and complies with OAH's order and the Americans with Disabilities Act. Student did not object to the previous location at the charter school location. As the newly proposed venue is several miles from the charter school location and on the same street, it is reasonably convenient for the parents.

ORDER

1. Trivium's motion to change the location of hearing is granted.

2. The due process hearing shall be held at Pacific Suites, Fireside Conference Room, 5490 Hollister Avenue, Santa Barbara, California, 93111.

IT IS SO ORDERED.

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Cararea Lucier
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Cararea Lucier

Administrative Law Judge

Office of Administrative Hearings