

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2012110220

ORDER DENYING JOINT REQUEST
FOR CHANGE OF VENUE

On January 24, 2013, Student's father (Father) and counsel for Los Angeles Unified School District (District) Donald Erwin (Mr. Erwin) filed a joint stipulation to change venue for the due process hearing scheduled to commence on February 5, 2013 at the special education office of the Office of Administrative Hearings (OAH) in Van Nuys, California. They requested an order changing venue to the OAH general jurisdiction office located in Los Angeles, California on the basis that Student lives and attends school closer to the Los Angeles office, and the location is more convenient for District's witnesses.

The parties' stipulation followed the pre-hearing conference (PHC) on January 23, 2013, at which the issue of change of venue was discussed with the undersigned administrative law judge (ALJ). Mr. Erwin and Father attended the PHC. Father was assisted by a Spanish language translator and will represent Student at the hearing. During the PHC, Father expressly stated when questioned by the ALJ that traveling to the OAH office in Van Nuys would not be inconvenient or present a hardship for him. Father also did not identify Student as a possible witness; indicate that Student would be attending the hearing; or state that, if Student attended, appearing in Van Nuys would create a hardship for Student. Accordingly, the ALJ ordered that the hearing shall take place at the Van Nuys special education office in the absence of a showing of good cause for a change of location.

The IDEA and the Education Code require that due process hearings be conducted "at a time and place reasonably convenient to the parents and child involved." (34 C.F.R. § 300.515, subd. (d); Ed. Code §56505, subd. (b).) The parties' stipulation contains no declaration or other evidence setting forth any facts and circumstances demonstrating good cause for a change of venue, or why the Van Nuys special education office is not reasonably convenient for Father, particularly in light of his representation at the PHC to the contrary. The convenience for District's witnesses is not a basis for changing venue.

Accordingly, the parties' request for change of venue is denied. The hearing shall take place as ordered in the January 23, 2013 PHC Order.

IT IS SO ORDERED.

Dated: January 24, 2013

/s/

ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings