

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT ON BEHALF OF STUDENT,	OAH CASE NO. 2013010033
v.	
FRESNO UNIFIED SCHOOL DISTRICT,	
FRESNO UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2012120631
v.	
PARENT ON BEHALF OF STUDENT.	ORDER GRANTING DISTRICT'S MOTION TO CHANGE VENUE FOR DUE PROCESS HEARING

The Due Process Hearing in this consolidated matter is presently scheduled to be held at the Fresno USD Professional Development Center located at 1833 East E Street, Fresno, California, 93706. On February 7, 2013, the Fresno Unified School District (District) filed a motion to change the location of the hearing because the original location does not have a conference room available for the entire hearing.

Student, through his parents, timely filed a response to the District's motion on February 11, 2013. However, although Student states that he opposes the motion to change venue, Student does not address the motion. Rather, in his response, Student requests a continuance of the due process hearing based upon the need of his parents to attend to other legal matters. Student simultaneously filed a separate request for continuance. The Office of Administrative Hearings will address that request in a separate order.

Districts have some discretion in setting hearings at a location within the school district that is convenient to Student. There is no need for the District here to move for a change of venue if it is only changing the location within its own facilities and the change is not a significant distance from the original hearing location. In the future, the District should simply file a notice of change of hearing location.

Here, there is no indication that the change in location will cause any inconvenience to Student or his family. The District's motion is therefore granted. The hearing location shall now be: **4120 North 1st Street, Fresno, California, 93726**. The District shall continue to be responsible for ensuring that the hearing

room is configured into a courtroom setting and shall have at a minimum 1) a table for Parent and Student's legal representative; 2) a table for the District's legal representative and the District's representative; 3) a table for the witness; and 4) a table for the ALJ, near an electrical outlet. The District shall also provide drinking water to all parties, witnesses and the ALJ. The water does not have to be bottled. The same hearing room shall be used for each day of hearing and shall be available at least one hour prior to the commencement of the hearing each day. The hearing room shall be locked following the hearing each night.

IT IS SO ORDERED.

Dated: February 14, 2013

/s/

DARRELL LEPKOWSKY
Administrative Law Judge
Office of Administrative Hearings