

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

CHICO COUNRTY DAY SCHOOL.

OAH Case No. 2014050137

ORDER GRANTING MOTION TO
DISMISS EXPEDITED PORTION OF
HEARING AND VACATING
EXPEDITED DUE PROCESS
HEARING DATES.

On May 2, 2014, Student filed a Request for Due Process Hearing (complaint) with the Office of Administrative Hearings naming Chico County Day School, which is a charter school. On June 2, 2014, Country Day filed a Motion to Dismiss issues in Student's complaint relating to County Day's dismissal of Student. On June 6, 2014, OAH issued an order denying the motion to dismiss, setting an expedited hearing on the portion of Student's complaint involving disciplinary issues specifically Student's dismissal from the charter school, and bifurcating the remainder of Student's complaint. The expedited hearing was set to convene on June 17, 2014.

On June 16, 2014, the parties submitted a joint request to vacate the expedited hearing dates because Country Day withdrew Student's dismissal from school thereby eliminating the need for an expedited hearing.

APPLICABLE LAW

Title 20 United States Code section 1415(k)(3) permits a party to request an expedited hearing to appeal a decision regarding a disciplinary change of placement, such as placement in an alternative education setting or a manifestation determination regarding student's conduct. This section requires an expedited hearing to occur within 20 school days of the date the hearing is requested, and for a decision to be rendered within 10 school days of the conclusion of the hearing.

DISCUSSION

The parties submitted a joint request to vacate the expedited portion of the hearing. In their request, they assert that there is no need for an expedited portion of the hearing because Country Day has withdrawn Student's "dismissal" and readmitted Student back into school. This assertion was supported by a letter from Country Day confirming that Student is re-enrolled in the charter school for the 2014-2015 school year. Accordingly, there no

longer remains a need for the expedited hearing as required under title 20 United States Code section 1415(k)(3) because the parties have resolved the expedited issues raised in the complaint. Therefore, the expedited portion of the hearing is vacated. The non-expedited portion of the hearing will remain on calendar as scheduled.

ORDER

1. The parties' joint request to vacate the expedited hearing is granted.
2. Expedited hearing dates scheduled for June 17, 18, 19, and 24 are vacated.
3. All other currently scheduled dates to remain on calendar.

IT IS SO ORDERED.

DATE: June 16, 2014

/s/

JOY REDMON
Administrative Law Judge
Office of Administrative Hearings