

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

DEHESA CHARTER SCHOOL .

OAH Case No. 2014090074

ORDER GRANTING IN PART AND
DENYING IN PART STUDENT'S
REQUEST TO CHANGE VENUE

On August 29, 2014, Parents on behalf of Student filed a request for due process hearing with the Office of Administrative Hearings naming the Dehesa Charter School. OAH issued a scheduling order on September 3, 2014, setting the location for the mediation and hearing in this matter at Dehesa Charter School's offices in Escondido, California.

On September 11, 2014, Student filed a request to change the location of the mediation and hearing to the Learning Center for Dehesa Charter School in Riverside, California, where Student attends school. Student contends that the location presently set for mediation and hearing is 65 miles from her home, through difficult traffic, and therefore not convenient to her parents. Dehesa has not responded to Student's request for a location change.

Good cause appearing, Student's request to change the location of the mediation is GRANTED. However, Student's request to change the location of the due process hearing is DENIED WITHOUT PREJUDICE. It is unknown at this point whether the Learning Center has adequate and appropriate space to hold a due process hearing. Student may renew her request to change the location of the hearing prior to or during the telephonic prehearing conference, presently scheduled for October 13, 2014, and the Administrative Law Judge assigned to the prehearing will rule on the request. Student should be prepared in her request to address the type of space available at the Learning Center and whether holding a hearing there is feasible.¹

¹ OAH requires that the room where a hearing is scheduled to have enough space to permit the hearing room to be configured into a courtroom setting and that it have at a minimum: 1) a table for Parents and their representatives; 2) a table for the school district's legal representative and special education representative; 3) a table for the witness; and 4) a table for the ALJ, near an electrical outlet. The same hearing room has to be used for each day of hearing and has to be available at least one hour prior to the commencement of the hearing each day. The hearing room has to be locked following the hearing each night. The hearing room and access to it must be in compliance with the Americans with Disabilities Act.

IT IS SO ORDERED.

DATE: September 16, 2014

/s/

DARRELL LEPKOWSKY
Administrative Law Judge
Office of Administrative Hearings