

**BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA**

**IN THE MATTER OF:
PARENT ON BEHALF OF STUDENT,**

v.

**MORGAN HILL UNIFIED SCHOOL DISTRICT AND SANTA
CLARA COUNTY OFFICE OF EDUCATION.
OAH CASE NUMBER 2019070744**

ORDER DENYING MOTION TO CHANGE VENUE

On August 30, 2019, the Office of Administrative Hearings, known as OAH, held a prehearing conference or PHC in this matter. The administrative law judge confirmed with the parties that the hearing location would remain as specified in the scheduling order, namely, Morgan Hill Unified School District's Office located at 15600 Concord Circle, Morgan Hill, California, 95037. Morgan Hill certified on the record during the PHC that this hearing location would meet all legal accessibility requirements. OAH ordered Morgan Hill to file an Americans with Disabilities Act certification form within two business days of the PHC. OAH has not received this certification form.

As discussed during the PHC, the PHC Order requires that any pre-hearing motion that was not filed three business days prior to the PHC must include a showing of good cause as to its late filing.

On September 3, 2019, Santa Clara County Office of Education filed a Notice of Change of Location for the due process hearing and a certification that the proposed new location meets all accessibility requirements. This notice is treated as a motion to change venue. Santa Clara seeks to change the hearing location to its Board Room located at 1290 Ridder Park Avenue, San Jose, California, 95121. This proposed location is approximately 26 miles from the ordered hearing location and 25 miles from Student's home address. As of the time of issuing this Order, OAH has not received a response from Morgan Hill or 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

Santa Clara fails to state any grounds as to why the motion to change venue was not timely filed. Because the hearing is scheduled to start next week, the substance of the motion will be addressed. However, the parties are advised that any further motions must include a showing of good cause as to why the motion was not timely filed.

The motion to change venue fails to include any information as to the reason for changing the hearing location and whether the proposed venue is reasonably convenient to Student. Santa Clara has failed to establish that the proposed location, which will require Student to travel an additional 25 miles, is a reasonably convenient venue. Accordingly, the motion is denied.

ORDER

1. Santa Clara's motion to change the location of hearing is denied.

DATED: September 4, 2019

DocuSigned by:

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Theresa Ravandi
Administrative Law Judge
Office of Administrative Hearings