

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

REDLANDS UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2023120828

ORDER DENYING REQUEST TO VACATE EXPEDITED
HEARING DATES

JANUARY 24, 2024

On December 26, 2023, Student filed a due process hearing request with the Office of Administrative Hearings, called OAH, naming Redlands Unified School District as respondent. Student's due process hearing request included three expedited issues and one non-expedited issue for hearing. OAH scheduled the expedited issue for hearing beginning on January 30, 2024.

On January 23, 2024, Student filed a motion to unexpedite Student's case and vacate the expedited hearing date. Student made the motion on grounds that there is no need for an expedited proceeding, because the parties have largely agreed in principle on settlement that Student expects to complete and submit for Redland's

school board to approve at a February 13, 2024, board meeting, and Student is currently placed in a mutually agreed setting.

A parent of a child with a disability who disagrees with any decision by a school district regarding a change in educational placement of the child based upon a violation of a code of student conduct, or who disagrees with a manifestation determination made by the district, may request and is entitled to receive an expedited due process hearing. (20 U.S.C. § 1415(k)(3)(A); 34 C.F.R. § 300.532(a) (2006).)

An expedited due process hearing before OAH must occur within 20 school days of the date the complaint requesting the hearing is filed. (20 U.S.C. § 1415(k)(4)(B); 34 C.F.R. § 300.532(c)(2).) The procedural right to an expedited due process under United States Code title 20, section 1415, subdivision (k) is mandatory, and OAH is not authorized OAH to make exceptions or grant continuances of expedited matters. (20 U.S.C. § 1415(k)(4)(B); 34 C.F.R. § 300.532(c)(2).) OAH can only unexpedite or continue a case if no issue is alleged that is subject to an expedited hearing. A student may request dismissal of the expedited issues, or amend the complaint to restate the formerly expedited issues as challenging a change of placement under United States Code title 20, section 1415, subdivision (b)(6)(A), rather than subdivision (k). (*Molina v. Bd. Of Educ. Of Los Lunas Schools* (D.N.M. 2016) 157 F.Supp.3d 1064, 1068-1071.) Otherwise, the expedited issues must proceed to hearing on the expedited timeline.

Student did not request dismissal or amendment of Student's expedited issue. Student therefore did not state a basis to vacate the expedited due process hearing dates.

All expedited due process hearing dates are confirmed and will proceed as calendared.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "Robert G. Martin". The signature is fluid and cursive, with a long horizontal stroke at the end.

Robert G. Martin

Administrative Law Judge

Office of Administrative Hearings