

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

PALO ALTO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026070780

ORDER DENYING MOTION TO UNEXPEDITE HEARING

JULY 31, 2026

On July 17, 2026, Student filed a Due Process Hearing Request, known as a complaint, against Palo Alto. Based on issues asserted in the complaint, the Office of Administrative Hearings, referred to as OAH, issued a Scheduling Order and Notice of Expedited and Non-Expedited Due Process Hearing and Mediation, Scheduling Order.

On July 29, 2026, Palo Alto filed a motion to unexpedite this matter and vacate the expedited dates. On July 31, 2026, Student filed a Joinder in PAUSD's Motion to Unexpedite. Student's counsel states he did not request an expedited hearing and that as a sole practitioner he has conflicts with other matters.

APPLICABLE LAW

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) All subsequent references to the Code of Federal Regulations are to the 2006 version.) 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 hearing is mandatory and does not authorize OAH to make exceptions or grant continuances of expedited matters. (*Ibid.*) A matter can only be unexpedited or continued if no issue is alleged that is subject to an expedited hearing, if the student withdraws the issues in the complaint that triggered the expedited hearing, or if the student elects to challenge the change of placement under title 20, section 1415, subdivision (b)(6)(A) and not subdivision (k). (*Molina v. Bd. of Educ. of Los Lunas Schools* (D.N.M. 2016) 157 F.Supp.3d 1064, 1068-1071.)

DISCUSSION

Student's complaint raises 13 issues. The final issue alleges that Palo Alto denied Student a free appropriate public education, FAPE, by executing a change of placement that exceeded 10 days. Under the facts, Student further asserted that, expulsion or suspension for more than 10 days is a change in placement. That the change was based on historic discipline issues, that it was not a neutral programmatic decision, and that it was done without holding a manifestation determination review. Thus, Student asserted he was not provided the procedural protections required when a disciplinary removal

results in a change of placement. Those protections are provided in 20 U.S.C section 1415(k), which require an expedited hearing. The issues pled govern whether a claim is deemed expedited, not whether counsel requests an expedited hearing.

Palo Alto asserts that the case should be unexpedited because Student did not challenge a disciplinary removal or appeal a manifestation determination. Palo Alto further argues that Student did not allege he was removed pursuant to 20 U.S.C. section 1415(k), was suspended for violating a code of conduct, that the district conducted a manifestation determination review with which Student disagrees, or that Student seeks a review of any disciplinary decision.

Palo Alto is correct that Student did not allege he was removed pursuant to 20 U.S.C. section 1415(k). However, he asserts he was denied the protections of such. Student asserts that Palo Alto engaged in a pattern of disciplinary removals for more than 10 school days without conducting a manifestation determination review. The issue, as pled, is expedited. Student's issue can also give rise to a non-expedited FAPE claim. Specifically, that Palo Alto changed Student's placement outside of the IEP process. Thus, Student could assert he only intends to proceed with the issue as a FAPE violation and not adjudicate whether or not Palo Alto changed Student's placement for more than 10 school days without conducting a manifestation review team meeting. Student's joinder did not withdraw the expedited issue or confirm an intent to proceed with it as a FAPE claim only. Rather, Student asserted only that he did not request an expedited hearing and that counsel has conflicts with other cases. That alone is insufficient to dismiss the expedited claims.

Nothing in this order prohibits Student from withdrawing the expedited issue. Alternatively, nothing prevents Student from specifying his intent to proceed only with the FAPE claim and not adjudicate whether his placement was changed for more than

10 school days without a manifestation determination review. The latter requires an expedited hearing.

ORDER

1. The motion to unexpedite the hearing dates is denied without prejudice.
2. The expedited hearing shall proceed as calendared.

IT IS SO ORDERED.

A handwritten signature in cursive script that reads "Joy Redmon".

Joy Redmon

Presiding Administrative Law Judge

Office of Administrative Hearings