

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

LODI UNIFIED SCHOOL DISTRICT.
OAH CASE NUMBER 2026080778

ORDER GRANTING MOTION TO UNEXPEDITE HEARING

SEPTEMBER 3, 2026

On August 19, 2026, Student filed a due process hearing request, known as a complaint, naming Lodi Unified School District. On August 20, 2026, based on one issue 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, called Scheduling Order. The Scheduling Order set this matter for expedited mediation on September 2, 2026, expedited prehearing conference on September 4, 2026, and expedited hearing commencing on September 15, 2026.

On August 26, 2026, Student filed a motion to unexpedite this matter and vacate the expedited dates. On August 31, 2026, Lodi filed a non-opposition to Student's motion to unexpedite.

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.)

Student did not specifically ask for an expedited hearing. OAH found an expedited hearing was required because Student's Issue 12 alleged Lodi denied Student a free appropriate public education, called FAPE, by failing to find that Student's behaviors were a manifestation of their disability. In Student's motion to unexpedite, Student clarified that the issue is an alleged FAPE denial not a challenge to a manifestation determination meeting or a disagreement with any change of placement. Student further clarified that Student is no longer attending a Lodi school and has been attending a public charter school in a different local educational agency for the 2026-2027 school year. Finally, Student clarified that to the extent any portion of Issue 12 is

still considered expedited, Student expressly withdraws the expedited portion of the claim.

Student demonstrated that no expedited issues were alleged in the complaint. Although complaint includes facts concerning the lack of a manifestation determination, Student did not intend to raise it as an expedited issue but only as a procedural denial of FAPE. Similarly, Student does not allege facts that constitute an appeal pursuant to Section 1415(k)(3), and thus that the mandatory provisions of Section 1415(k)(4)(B) for an expedited hearing do not apply. (*Molina, supra*, 157 F.Supp.3d 1064, 1068-1071.) Accordingly, the expedited hearing dates will be vacated.

ORDER

1. Student's motion to unexpedite this matter is granted.
2. The expedited prehearing conference on September 4, 2026, and expedited due process hearing on September 15, 16, and 17, 2026, are vacated.
3. The unexpedited matter shall proceed on the following dates, prehearing conference on September 28, 2026, and due process hearing on October 6, 7, and 8, 2026.

Linda Dowd

Linda Dowd

Administrative Law Judge

Office of Administrative Hearings