BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT

V.

VICTOR ELEMENTARY SCHOOL DISTRICT.

OAH CASE NUMBER 2026100620

ORDER GRANTING REQUEST TO WITHDRAW EXPEDITED ISSUE AND ORDER VACATING EXPEDITED PREHEARING CONFERENCE AND HEARING

OCTOBER 30, 2026

On October 15, 2026, Student filed a Due Process Hearing Request, known as a complaint, against Victor Elementary School District. On October 16, 2026, 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. The Scheduling Order set this matter for expedited mediation on October 30, 2026, expedited prehearing conference on November 2 2026, and expedited hearing for November 10 and 12, 2026.

On October 28, 2026, Student filed a request to withdraw Issue One, which sought an expedited due process hearing, and to vacate the expedited dates.

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 asserted four issues. Issue One was the only issue with assertions requiring an expedited hearing. The remaining three issues seek relief based on assertions of a FAPE denial and do not contain any assertions requiring an expedited proceeding. 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.

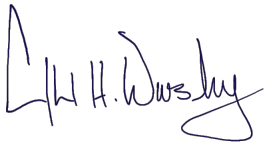
ORDER

1. The request to withdraw Issue One and unexpedite this matter is granted. Issues One is dismissed.
2. The expedited prehearing conference of November 2, 2026, and the expedited hearing of November 10 and 12 are hereby vacated.
3. The unexpedited hearing on remaining issues will proceed on the following dates:

PREHEARING CONFERENCE will be held on November 23, 2026, at 1:00 PM.

DUE PROCESS HEARING will be held on December 1, 2, and 3, 2026.

IT IS SO ORDERED.



Clifford H. Woosley

Administrative Law Judge

Office of Administrative Hearings