BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: ELK GROVE UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2018060213 ORDER GRANTING REQUEST TO CHANGE VENUE

The hearing in this matter was originally scheduled to occur at the offices of the Elk Grove Unified School District. On June 25, 2018, a Prehearing Conference Order was issued requiring a certification of compliance with all laws pertaining to disabled access for that facility. On June 29, 2018, Elk Grove filed a Motion to Change Venue on the grounds that the Elk Grove district offices were unavailable for the dates scheduled for hearing. Elk Grove proposed James McKee Elementary School, located at 8701 Halverson Drive, Elk Grove, CA 95624 as an alternative location.

The proof of service indicates both Mother and Father were notified of the requested change in location. No opposition to the request was received.

California Education Code 56505 subd. (b) provides that special education due process hearings are to be held at a time and place reasonably convenient to the parent or guardian and the pupil. Any proposed facility for the hearing must fully comply with the Americans with Disabilities Act of 1990 (42 U.S.C.A. § 12101 et seq.), the Rehabilitation Act of 1973 (29 U.S.C. § 794 et seq.), the Unruh Civil Rights Act (Civ. Code, § 51 et seq.), and all laws governing accessibility of government facilities to persons with disabilities. The facility must also have a room that is able to be configured into a courtroom-like setting with adequate space for tables and chairs for each counsel and their clients, a witness table and a table near an electrical outlet for the Administrative Law Judge.

No indication was received stating that the location selected was not convenient to the parents. Therefore, the request to change venue is GRANTED. The hearing shall take place at James McKee Elementary School, 8701 Halverson Drive, Elk Grove, CA 95624.

Counsel for Elk Grove must certify that the facility proposed complies with all laws pertaining to access for the disabled prior to the Prehearing Conference on July 13, 2018 and ensure that the facility meets OAH hearing room requirements prior to that date. Should

these requirements be unable to be met by the James McKee Elementary School facility, OAH must be notified within two days of the date of this order.

DATE: July 5, 2018

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Penelope S. Pahl
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PENELOPE S. PAHL
Administrative Law Judge
Office of Administrative Hearings