BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. TEHACHAPI UNIFIED SCHOOL DISTRICT.	OAH Case No. 2016110289 ORDER DENYING TEHACHAPI UNIFIED SCHOOL DISTRICT'S MOTION TO CHANGE VENUE

On February 17, 2017, Tehachapi Unified School District filed motion for reconsideration of the prehearing conference order dated December 5, 2016, which moved the hearing to the Offices of Administrative Hearings in Van Nuys, California. OAH received a response from Student on February 21, 2017, which objected to having this matter heard in Tehachapi and requested that hearing remain in Van Nuys or be set in Bakersfield. District's seeks reconsideration of the December 5, 2016 prehearing conference order granting Student's motion to change venue and setting venue for the hearing in this matter at in Van Nuys. The hearing commenced on December 19, 2016, in Van Nuys with the parties' opening statement. Therefore, the current motion is deemed a motion to change venue for the remaining days of hearing.

Under the Individuals with Disabilities Act and state law, hearings must be conducted at a time and place that is reasonably convenient to the parents and child involved. (34 C.F.R. §300.515(d); Ed. Code, §56505(b).) Therefore, due process hearings are generally scheduled at the school district offices, the office of the Special Education Local Plan Area to which the District belongs, or the regional OAH office closest to the parents' residence.

At the time of the PHC, the parties had the opportunity to support their positions on change of venue and location of the hearing. The assigned administrative law judge ruled after considering argument from both parties.

This matter has already started hearing at the OAH offices in Van Nuys, pursuant to the PHC order on December 5, 2016, and did not conclude due to the parties' request to brief the issue as to OAH's jurisdiction to hear Student's two issues for hearing. Accordingly, the hearing will resume as scheduled at 15350 Sherman Way, Suite 300, Van Nuys, California 91406. The motion is denied.[1]

IT IS SO ORDERED.

DATE: February 23, 2017

DocuSigned by:
Peter Paul Castillo
F0BCD8A6A62C4E9...

PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings

[1] Nothing in the order precludes the parties from agreeing upon another location, including the recent hearing location for OAH Case No. 2016110657, and informing OAH of the agreed upon location.