BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. SACRAMENTO CITY UNIFIED SCHOOL DISTRICT,	OAH Case No. 2015090559
SACRAMENTO CITY UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2015090053 ORDER FOLLOWING PREHEARING CONFERENCE AND DISMISSING EXPEDITED ISSUE

On October 2, 2015, a telephonic prehearing conference was held before Administrative Law Judge Rebecca Freie, Office of Administrative Hearings. Sarah Garcia, Attorney at Law, appeared on behalf of Sacramento City Unified School District. Richard Ruderman, Attorney at Law, appeared on behalf of Student. He was accompanied by Parents. The PHC was recorded.

DISCUSSION AND ORDER

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 conducted by the district, may request and is entitled to receive an expedited due process hearing. (34 C.F.R. § 300.532(a) (2006).) The procedural right that affords the parties an expedited due process hearing is mandatory and does not allow OAH to make exceptions. (34 C.F.R. § 300.532(c)(2).) An expedited due process hearing, must occur within 20 school days of the date the complaint requesting the hearing is filed." (34 C.F.R. § 300.532(c)(2) (2006).) In California, OAH is the hearing office that assumes this responsibility for the California Department of Education. (Ed. Code, § 56504.5, subd. (a).)

Student's complaint, designated as OAH Case No. 2015090559, was filed on September 14, 2015. The due process hearing for the expedited issue in Student's complaint concerning the manifestation determination IEP team meeting held in June 2015 was set to begin on October 2, 2015, immediately after the PHC was held. However, at the beginning of the PHC Student asked that issue 2 (c) in his complaint be dismissed without prejudice. This was the expedited issue. Sacramento City did not object to the dismissal of the issue. Accordingly, the issue is dismissed. Since there is no longer an issue that is subject to being expedited, the hearing date of October 2, 2015, is vacated. All dates previously set for the consolidated non-expedited matters shall remain as scheduled.

IT IS SO ORDERED.

DATE: October 5, 2015

/s/

REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings