BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT

V.

GLENDALE UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025120710

ORDER DENYING MOTION TO UNEXPEDITE ALL EXPEDITED ISSUES

DECEMBER 31, 2025

On December 17, 2025, Parents on behalf of Student filed a Due Process Hearing Request, called a complaint, against Glendale Unified School District. On December 18, 2025, 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 January 6, 2026, expedited prehearing conference on January 9, 2026, and expedited hearing for January 21, 22, and 23, 2026.

On December 19, 2025, Glendale Unified filed a notice of insufficiency. On December 23, 2025, OAH issued an Order Determining Non-Expedited Issues in Due

Process Complaint Insufficient. The insufficiency order indicated that the process of challenging a complaint's sufficiency (20 U.S.C. § 1415(b) & (c)) does not apply to a complaint's expedited claims. The order ruled that the non-expedited issues of Student's complaint were insufficiently pled, vacated the non-expedited prehearing conference and hearing (20 U.S.C. § 1415(b)(7)(A)), and provided Student 14 days within which to file an amended complaint. However, the expedited mediation, prehearing conference, and hearing remain as scheduled.

On December 23, 2025, Glendale Unified filed a motion to unexpedite this matter and vacate the expedited dates. Student did not file a response to the motion.

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

The complaint used OAH's form Request for Due Process Hearing (DGS OAH 59) and lists three problems. Problem 1 alleges incidents of discrimination. Problem 2, asserts that Glendale Unified suspended Student, without notifying Parents. Problem 3, refers to a parental request for "an IEP," implying that Parents asked that Student be assessed for special education eligibility.

As OAH has already ruled, the assertions are not very clear. However, they do include assertions regarding a request for special education assessment and a suspension of Student without notice. These assertions are vague, but could include a claim that Student's suspension, without a manifestation determination (20 U.S.C. § 1415(k)((1)(E)), was inappropriate because Glendale Unified had a "basis of knowledge" that Student was a child with a disability, though not yet determined to be special education eligible (20 U.S.C. § 1415(k)(5)).

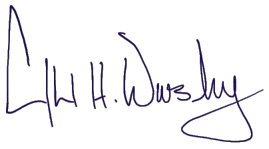
Glendale Unified's motion disputes Student's assertions and lists misrepresentations by Parent, including falsehoods made under oath. Thus, Glendale Unified seeks an order determining the complaint's allegations do not raise issues subject to an expedited time frame. However, this points to factual disputes that require an evidentiary hearing to resolve, unless withdrawn by Parent on behalf of Student.

The expedited prehearing conference will address and clarify the issues to be determined at the expedited hearing. And, if Parent pursues the expedited hearing, based upon misrepresentations, Glendale Unified retains its right to make a motion to

shift costs, requiring Parent to reimburse the attorney fees and costs incurred by Glendale Unified in responding to the false claims.

Accordingly, the motion to unexpedite the hearing dates must be denied.

IT IS SO ORDERED.



Clifford H. Woosley

Administrative Law Judge

Office of Administrative Hearings