BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

TULARE CITY SCHOOL DISTRICT.

OAH CASE NUMBER 2026051179

ORDER DENYING MOTION TO UNEXPEDITE HEARING

JUNE 12, 2026

On May 27, 2026, Parent on behalf of Student filed a Due Process Hearing Request, known as a complaint, against Tulare City School District, called Tulare City. On May 29, 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 June 10, 2026, expedited prehearing conference on June 15, 2025, and expedited hearing for June 23, through June 25, 2026.

On June 8, 2026, Tulare City filed a motion to unexpedite this matter and vacate the expedited dates. Tulare City argues Student did not plead his case with a request for an expedited due process hearing and at that Student was not subject to a change of placement for disciplinary reasons at any time.

On June 11, 2026, Student filed an opposition. Student reiterates the belief and intent to prove a disciplinary change of placement occurred for which a manifestation determination review was warranted.

On June 12, 2026, Tulare City filed a reply. Essentially, Tulare City reiterated its position that the facts alleged in Student's complaint cannot support the issue alleged.

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 Issue 2, subsection d, alleges that Tulare City violated IDEA discipline protections by refusing or delaying a manifestation determination and miscounting days of removal. Issue 2, subsection e, alleges that Tulare City denied Student a FAPE by misclassifying disability related removals-absences as truancy/unexcused absences. These issues give rise to an expedited due process hearing.

Tulare City contends that at no time was a manifestation determination required. Tulare City did not convene a manifestation determination review meeting nor was there a change of placement that occurred as a result of a disciplinary action. Tulare County asserts that Student was suspended for four days, on November 19, 2025. Parent subsequently kept him home from school and later requested that Tulare City hold a manifestation determination meeting. Therefore, Tulare City argues that none of the grounds for an expedited due process hearing exists in this case.

Whether a manifestation determination is required involves mixed questions of law and fact. Since Student's claims raise expedited issues regarding a manifestation determination and Student asserted that he intended to raise expedited claims, the expedited time frame applies. Further clarification of the expedited issues may be discussed at the expedited prehearing conference. Accordingly, the motion to unexpedite is denied.

ORDER

1. The motion to unexpedite the hearing dates is denied.

IT IS SO ORDERED.



Katherine Roe

Administrative Law Judge

Office of Administrative Hearings