BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

LAKE ELSINORE UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025050515

ORDER GRANTING MOTION TO DISMISS EXPEDITED ISSUE AND TO UNEXPEDITE HEARING

MAY 30, 2025

On May 12, 2025, Student filed a Due Process Hearing Request with the Office of Administrative Hearings, called OAH, naming Lake Elsinore Unified School District. On May 14, 2025, based on an issue asserted in the complaint, OAH issued a Scheduling Order and Notice of Expedited and Non-Expedited Due Process Hearing and Mediation, Scheduling Order.

On May 30, 2025, Student filed a motion to dismiss the expedited issue, to unexpedite the remaining matter, and vacate the expedited hearing dates.

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).) 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.)

Student has withdrawn the expedited issued for this matter. Therefore, circumstances have changed, so that an expedited hearing is no longer required. Although the complaint includes facts concerning the manifestation determination, Student dismissed that issue and Student does not allege facts for remaining issues that constitute an appeal pursuant to Section 1415(k)(3), and thus the mandatory provisions of Section 1415(k)(4)(B) for an expedited hearing do not apply. (*Molina, supra,* 157 F.Supp.3d 1064, 1068-1071.) Accordingly, the expedited hearing dates will be vacated.

ORDER

1. Student's motion to dismiss the expedited issue is granted.
2. Student's motion to unexpedite this matter is granted.
3. The expedited hearing dates are vacated.
4. The unexpedited matter shall proceed on the dates set in OAH's Scheduling Order for the unexpedited hearing, unless otherwise ordered.

Paul Kamoroff

Paul H Kamoroff

Administrative Law Judge

Office of Administrative Hearings