BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

OAK GROVE SCHOOL DISTRICT.

OAH CASE NUMBER 2026020819

ORDER DENYING REQUEST TO UNEXPEDITE DUE PROCESS HEARING

MARCH 12, 2026

On February 18, 2026, Student filed a due process hearing request, called complaint, against Oak Grove School District. Based on issues asserted in the complaint, the Office of Administrative Hearings issued a Scheduling Order and Notice of Expedited and Non-Expedited Due Process Hearing and Mediation, called Scheduling Order. The Scheduling Order set the expedited issues for an expedited prehearing conference on February 16, 2026, and the due process hearing on March 24, 2026. The non-expedited issues were set for a prehearing conference on March 30, 2026, and a due process hearing on April 7, 2026. On March 11, 2026, the parties filed a joint request to unexpediate the due process hearing.

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). 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) (2006).) 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 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. Board of Educ. of Los Lunas Schools* (D.N.M. 2016) 157 F.Supp.3d 1064, 1068-1071.)

Student raises numerous issues regarding alleged denials of a free appropriate public education, called FAPE. Student did not specifically request an expedited hearing. However, Student places at issue, in Student's issue 6, whether Oak Grove School District denied Student a free appropriate public education failing to conduct a manifestation determination review when his series of removals and detentions constituted a pattern of exclusion that amounted to a change of placement, and by applying an incorrect legal standard to justify these removals. For Student's Issue 6, Student cites 20 U.S.C. § 1415(k) et al. as legal support, which triggers an expedited hearing. Although Student framed this issue as a FAPE denial in the Student's Issue Six statement and does not seek remedies related to the disciplinary provisions, OAH found an expedited hearing was required based on the facts and law pled under Student's Issue 6.

The parties now seek to unexpedite the hearing even though the complaint raises allegations constitute an appeal pursuant to Section 1415(k), triggering a mandatory expedited hearing. The parties argue that Student current situation does not call for an expedited hearing. The parties provided no legal support for the position that if Student is not currently facing suspension or expulsion, no expedited hearing is legally mandated. Additionally, Student has not moved to withdraw the expedited portions of Student's Issue Six.

Accordingly, the motion to unexpedite this matter and vacate the expedited hearing dates is denied without prejudice.

IT IS SO ORDERED.

Cynthia Fritz

Cynthia Fritz
Administrative Law Judge
Office of Administrative Hearings