BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

CAPISTRANO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025110384

ORDER GRANTING JOINT MOTION TO UNEXPEDITE HEARING

DECEMBER 1, 2025

On November 5, 2025, Parent on behalf of Student filed a due process hearing request with the Office of Administrative Hearings, called OAH, naming Capistrano Unified School District, called Capistrano. On November 12, 2025, OAH issued a Scheduling Order and Notice of Expedited and Non-Expedited Due Process Hearing and Mediation dates. The expedited prehearing conference is scheduled for December 1, 2025, at 3:00 p.m., and the expedited due process hearing is scheduled for December 9, through 11, 2025.

On November 21, 2025, the parties filed a joint stipulation to unexpedite this matter and vacate the expedited dates. OAH interprets the joint stipulation as a joint motion to unexpedite the 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).) 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 and Capistrano have demonstrated that no expedited issues were alleged in the complaint. Student is not challenging a manifestation determination review and was not removed from a school placement due to disciplinary matters. Nor does Student allege facts that constitute an appeal pursuant to Section 1415(k)(3). Therefore, 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 and Capistrano's joint motion to unexpedite this matter is granted.
2. The expedited dates are vacated.
3. The matter shall proceed on the dates set for the unexpedited hearing, unless otherwise ordered.

IT IS SO ORDERED.

Jennifer Kelly

Jennifer Kelly
Administrative Law Judge
Office of Administrative Hearings