BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. TEHACHAPI UNIFIED SCHOOL DISTRICT.	OAH Case No. 2018070708 ORDER DENYING CHANGE OF VENUE

On July 18, 2018, Student filed an amended Request for Due Process Hearing (complaint) naming Tehachapi Unified School District. On July 17, 2018, the Office of Administrative Hearings scheduled the hearing at Tehachapi Unified School District's offices, located at 300 South Robinson Street, Tehachapi CA 93561. On July 31, 2018, Student made a motion to change the hearing location to the OAH offices located in Van Nuys, California. On August 2, 2018, District filed an opposition. On August 8, 2018, Student filed a response. As discussed below, the motion is denied. The hearing will remain at Tehachapi Unified School District offices, as scheduled.

APPLICABLE LAW AND DISCUSSION

The IDEA and the Education Code require that due process hearings be conducted "at a time and place reasonably convenient to the parents and child involved." (34 C.F.R. § 300.515, subd. (d); Ed. Code §56505, subd. (b).)

The complaint alleges that Student and Mother reside in Tehachapi, at a specified home address. The address is located approximately 11 miles from the offices of the Tehachapi Unified School District, where the due process hearing is currently scheduled.

Student seeks to have the hearing at OAH offices in Van Nuys, California, over 100 miles from Student's home address and District's offices. The grounds for the motion are that Student's attorney, not Student or Mother, will be required to travel to and lodge in Tehachapi during the course of the hearing and Mother would be required to pay her attorney's lodging in Tehachapi.

Student has failed to establish that the Tehachapi's office is not reasonably convenient to Parent and Student. The distance itself between the locations proposed by Student, necessarily dictates a finding that the District office is reasonably convenient to Parents. The complaint alleges that Mother and her advocate have attended 16 individualized education

program team meetings, comprising over 100 hours, all of which the ALJ infers took place in Tehachapi, where all parties reside.

The reason offered for the requested change is the distance from Tehachapi to Student's counsel, not Student. This does not necessitate a change in location based upon "reasonable convenience." The fact that a location change might be more convenient for Student's representatives fails to establish that the Tehacapi's office is not reasonably convenient to Student or Parents. In fact, the address for Student's counsel's office is Santa Barbara, raising an inference that the cost of lodging might be claimed whether the hearing was held in Van Nuys or Tehachapi. Thus, there are no valid reasons why the location of the hearing should be changed to a location approximately 100 miles farther away from Parent's home. Tehachapi's offices are reasonably convenient for all parties, and the convenience of Student's counsel, even if established between Van Nuys and Tehachapi as compared to her office in Santa Barbara, is not a valid reason to change venue.[1]

ORDER

Student's motion to change the location of hearing is denied.

DATE: August 10, 2018

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June Lehrman
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JUNE LEHRMAN
Administrative Law Judge
Office of Administrative Hearings

[1] The complaint references four prior OAH proceedings between Student and Tehachapi. District's Opposition, and Student's Response to District's Opposition, to the motion for change of venue, references that one of these, OAH Case No. 2016110657, was heard in an alternate location. That change of venue in that matter was on different grounds and is not pertinent to the instant motion.