BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

WESTSIDE UNION SCHOOL DISTRICT.

OAH CASE NUMBER 2025111003

ORDER GRANTING MOTION TO UNEXPEDITE HEARING AND CLARIFYING SCOPE OF ISSUE ALLEGED

DECEMBER 9, 2025

On November 24, 2025, Student filed a Due Process Hearing Request, known as a complaint, against Westside Union High School District. On November 25, 2025, 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.

On December 5, 2025, the parties filed a joint motion to unexpedite this matter and vacate the expedited dates.

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 alleged in issue one that Westside, "denied Student a FAPE by Failing to Conduct a Legally Complaint Manifestation Determination Review (MDR) on August 8, 2025, Thereby Failing to Determining [sic] Whether Student's Conduct on May 30, 2025, was a Direct Result of WUSD's Failure to Implement Student's IEP, Especially in Light of a Highly Predictable and Repetitive Pattern of Escalating Behaviors." Student also claimed Westside removed Student for 12 days and failed to conduct a manifestation determination review, "to discuss whether Student's behavior on May 30, 2025, was

caused by, or had a direct and substantial relationship to her disability, or if her conduct was the direct result of Westside Union School District's failure to implement his [sic] IEP." This claim, as pled, gives rise to an expedited hearing.

Student stated that she was not seeking an expedited hearing because the remedy she sought for the violation was compensatory education. It is the issues pled and not the remedies sought that give rise to an expedited claim. Student's issue one gave rise to an expedited hearing.

In the joint request to unexpedite, Student provided greater clarity on the issue. Student asserted an intent to proceed on the issue as a denial of FAPE claim. Specifically, Student clarified, "the issue of whether Student should receive compensatory education for the alleged failure to provide a FAPE by failing to hold a manifestation determination meeting can be decided alongside the other issues regarding the provision of FAPE at a non-expedited portion."

Although the complaint includes facts concerning the manifestation determination, Student did not intend to raise it as an issue. Student does not intend to allege facts that constitute an appeal pursuant to Section 1415(k)(3), and thus that 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.)

Student may only present Issue One and the facts pertaining to it, as a denial of FAPE, and will be precluded from arguing any violations of the disciplinary provisions of the law that Student would have in seeking an order that required Westside to hold a manifestation determination meeting or to overturn a manifestation determination, including those contained in 20 U.S.C. section 1415(k)(3)(A); 34 C.F.R. section 300.532(a); and corresponding California law.

ORDER

1. The motion to unexpedite this matter is granted.
2. The expedited prehearing conference and due process hearing dates are vacated.
3. The expedited mediation will remain on calendar unless cancelled by a party.
4. Student's Issue One is limited to a Denial of FAPE claim and not an appeal under 20 U.S.C. section 1415(k)(3)(A).

IT IS SO ORDERED.

Joy Redmon

Joy Redmon
Presiding Administrative Law Judge
Office of Administrative Hearings