

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SANTA BARBARA HIGH SCHOOL
DISTRICT.

OAH CASE NO. 2012080468

ORDER DENYING PARTIES
REQUEST THAT THE ALJ CONDUCT
THE NOVEMBER 14, 2012 HEARING,
IN PERSON

The undersigned Administrative Law Judge conducted a due process hearing at the Santa Barbara Unified School District's (District) administrative offices on October 15 through 18, and 22 through 25, 2012. The parties agreed to continue the matter to November 14, 2012, for a concluding day of hearing. The ALJ notified the parties on October 25, 2012, that the hearing would be conducted either telephonically, or via video conference. Student asked that the hearing be conducted with all parties personally present in the same location. This request was denied.

On November 6, 2012, the undersigned issued an order addressing the parameters for this hearing, giving the parties the option of holding the hearing via video conference, or proceeding telephonically. On November 8, 2012, the parties jointly responded to this order by advising the ALJ that the parties would all be gathering on November 14, 2012, at the same location, and asking that the ALJ consider appearing in person for the hearing.

This matter was initially scheduled to begin October 15, 2012, and to continue day to day through October 18, 2012, resuming on October 22, and ending on October 24, 2012. The ALJ traveled from Sacramento to Santa Barbara both weeks to conduct this hearing in person. Based on the number of witnesses the parties notified the ALJ that they intended to call as witnesses at the beginning of the hearing, it appeared that the hearing could easily conclude on October 24, 2012. However, the questioning of several witnesses took much longer than anticipated. When it appeared that the matter could not conclude on October 24, 2012, the ALJ added October 25, 2012, as an additional day of hearing. It seemed very likely that the hearing could and would conclude on October 25, 2012. This did not happen.¹

The two witnesses scheduled to testify on November 14, 2012, testified in person in the presence of the ALJ during the last week of hearing. Having already viewed these

¹ There were days on which the hearing was shortened due to unforeseen circumstances. Despite those shortened days, this matter reasonably could have concluded by October 25, 2012.

witnesses and observed their demeanor, judicial economy is not served by the ALJ traveling to Santa Barbara for the final day of hearing. Accordingly, the parties' joint request that the ALJ personally attend the hearing is denied. The ALJ, pursuant to stipulation of the parties, will convene the due process hearing telephonically at 8:15 a.m., November 14, 2012. Because the parties have indicated that prospective witness, Julie Kluss will only be available until 11:00 a.m., Ms. Kluss shall be the first witness. Following Ms. Kluss's testimony, Kristen Escobedo shall resume her testimony. At the completion of Ms. Escobedo's testimony, the parties should be prepared to go through the exhibits to determine if any exhibits are to be withdrawn, and to ensure that parties have asked to be moved into evidence all exhibits they intend to so move.²

IT IS SO ORDERED.

Dated: November 9, 2012

/s/

REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings

² The ALJ shall determine which exhibits the parties move into evidence will be admitted.