

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

v.

MCKINLEYVILLE UNION SCHOOL
DISTRICT, et. al.

OAH Case NO. 2013080004

HUMBOLDT COUNTY OFFICE OF
EDUCATION,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case NO. 2013051098

ORDER PERMITTING RECORDING OF
DUE PROCESS HEARING

On October 23, 2013, Student filed with the Office of Administrative Hearings (OAH) a Motion to Allow Recording of Due Process Hearing. The hearing is scheduled to begin on October 28, 2013. OAH has not received a response from the education agencies.

It is within the discretion of the ALJ to permit the audio recording of a due process hearing. Unlike Superior Court trials, counsel for parties cannot have daily transcripts made of the proceedings as OAH does not have the capacity or resources for this to occur. Student's request to audio record the proceedings is granted, and the local educational agencies may also make an audio recording of the proceedings if they wish to do so.

However, the parties are advised that OAH always makes a digital recording of the proceedings, and this recording is the official record of the hearing. Parties who record the hearing are to turn off their recorders whenever the ALJ orders that the hearing is "off the record."

Any violation of this order to turn off recorders when the matter goes off the record may result in the revocation of permission to record the hearing. Further, operation of the parties' recording devices will not be allowed to delay the hearing.

IT IS SO ORDERED.

Dated: October 25, 2013

/s/

THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings