

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

BERKELEY UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2014090112

ORDER FOLLOWING PREHEARING
CONFERENCE, DENYING
CHALLENGE FOR CAUSE, AND
CONTINUANCE OF PREHEARING
CONFERENCE AND HEARING

On March 23, 2014, a telephonic prehearing conference (PHC) was held before Administrative Law Judge Alexa Hohensee, Office of Administrative Hearings. LaJoyce L. Porter and Deborah R. Jacobson, Attorneys at Law, appeared on behalf of Student. Jan E. Tomsy, Attorney at Law, appeared on behalf of Berkeley Unified School District. The PHC was recorded.

Based on discussion of the parties, the ALJ issues the following order:

1. Denial of Challenge for Cause. At the beginning of the prehearing conference, ALJ Hohensee disclosed that she had worked for two years in approximately 2002 and 2003 for a Southern California office of a state-wide special education firm, Lozano Smith, at the same time that Ms. Tomsy worked in a Northern California office of the same firm. ALJ Hohensee stated that she had not been assigned to the same cases as Ms. Tomsy, worked in a different part of the State from Ms. Tomsy, and that her interactions with Ms. Tomsy consisted primarily of seeing her at the firm's annual state-wide trainings. Student challenged ALJ Hohensee for cause on the record, stating that Student would not feel comfortable with a former associate of Ms. Tomsy hearing this matter. Ms. Tomsy, who is now employed by Fagen, Friedman and Fulfroost, stated on the record that she had no recollection of any specific interactions with ALJ Hohensee during her time at Lozano Smith. ALJ Hohensee made a finding that she was free from bias, prejudice or interest in this due process proceeding and could be free and impartial in the conduct of, and rendering a decision in, this proceeding. The challenge for cause was denied.

2. Continuance of Prehearing Conference and Hearing Dates. The parties' joint request for a continuance was considered and, for good cause shown on the record, was granted to dates mutually agreed upon by the parties. The currently scheduled hearing dates are vacated, and the PHC and hearing dates shall be set as follows:

Prehearing Conference: May 18, 2015 at 10:00 AM

Due Process Hearing: June 2-4 and 8-11, 2015, at 9:30 AM the first day and 9:00 AM thereafter, and continuing day to day, except for June 8, 2014, 1:30 PM, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

NOTE: No further continuances are contemplated for any reason given the age of Student's case.

IT IS SO ORDERED.

DATE: March 23, 2015

/s/

ALEXA J. HOHENSEE
Administrative Law Judge
Office of Administrative Hearings