

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ABC UNIFIED SCHOOL DISTRICT.

OAH Case No. 2015060902

ORDER DENYING STUDENT'S
MOTION TO ALLOW TELEVISION
AND MEDIA IN THE HEARING
ROOM DURING THE PROCEEDING

On June 8, 2015, Parent on behalf of Student filed with the Office of Administrative Hearings a Request for Due Process Hearing naming the ABC Unified School District.

On June 8, 2015, Student filed with OAH a motion to allow television and media to attend the due processing hearing. Student seeks to have the hearing open to the public, permit televising of the hearing itself, permit video and audio taping of the hearing, and to permit members of the media to be attendance throughout the hearing.

On June 11, 2015, ABC filed with OAH an opposition to Student's motion. ABC does oppose the televising and taping of the hearing. Additionally, ABC contends that Student should be restricted from inviting the media and excessive numbers of the public to the hearing as it would create an unfair atmosphere, compromise the dignity of the proceeding, and prevent the hearing from proceeding efficiently and expeditiously manner.

California Rule of Court 1.150 permits a court to permit photographing, recording or broadcasting of court proceedings in the discretion of the trial judge. The rule does not create a presumption for or against granting such permission. The judge has discretion to "permit, refuse, limit or terminate media coverage."

Student has failed to demonstrate that anyone desires to broadcast, photograph or record the hearing. Thus, the motion is moot. Should any media desire to broadcast, photograph, or record the hearing or any portion of the hearing, then that entity may file with OAH a motion to that effect. (See, *Parent v. Los Alamitos Unified School District* (May 18, 2015) OAH Case Number 20150300.)

Student has exercised her right to open the hearing to the public. Because the hearing will be open to the public, members of the media are free to attend the hearing in the same manner as any other member of the public. Any issues relating to the attendance of the public, so as to prevent any potential disruption of the proceedings, shall be dealt with by the ALJ at the Prehearing Conference or as such issues may occur. As Student's advocate has

brought this same motion in other cases, the advocate should be aware that the appropriate time to bring such a request is at the Prehearing Conference.

Accordingly, Student's motion to permit televising and/or recording of the hearing is DENIED.

DATE: June 26, 2015

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings