

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SANTA BARBARA UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2012080468

ORDER SETTING NEW HEARING  
DATE AND DETERMINING  
PROCEDURES NECESSARY FOR  
CONDUCTING OF HEARING

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 matter was unable to be completed by October 25, 2012, due to District's counsel's schedule and was, therefore, continued to November 14, 2012, at 8:15 a.m. It was determined that the matter would continue either telephonically, or via video conference. On November 14, 2012, the District's special education director, Kristen Escobedo, will complete her testimony, and Julie Kluss, a District teacher, will be called briefly as a potential rebuttal witness for Student. The parties' were informed that their exhibits must be available for these witnesses at the time they testify.

The Office of Administrative Hearings (OAH) has the capacity to conduct this hearing via video conference from 8:15 a.m. to 2:30 p.m. on November 14, 2012. The parties were unable to determine on October 25, 2012, whether the attorneys and parties would have video conferencing ability on November 14, 2012, and even if this equipment were available to each of them, the location of the testifying witnesses and the attorneys during the hearing remained undetermined. Accordingly, the following orders are made:

1. The parties shall meet and confer and notify OAH no later than close of business on Thursday, November 8, 2012, as to whether this matter shall proceed via video conference. The parties must be in full agreement as to where the parties, witnesses and attorneys will be located at the time of the hearing on November 14, 2012, if the matter is to proceed as a video conference. If this agreement is reached, OAH must be notified no later than 5:00 p.m. on Thursday, November 8, 2012, as to the location/s and telephone number/s of the facility/ies for the video conferencing as well as the IP number/s of the computer/s that will be used for the video conferencing. The name and contact number for the person in charge of video conferencing at each facility shall also be provided to OAH. OAH will then make arrangements with these individuals to coordinate all of the equipment and test it so that this matter can proceed promptly on November 14, 2012, at 8:15 a.m. Each video conference participant shall ensure that technical assistance is readily available to them

during the conference, although the person providing that assistance shall not be in the room during the hearing without agreement of the parties, or order of the ALJ. Witnesses shall have access to all of the parties' exhibits at the time of testifying.

2. If the parties are unable to agree to video conferencing arrangements, the matter shall proceed telephonically. Unless otherwise agreed to by the parties, Student's attorney and Parent shall participate via telephone from the attorney's office. The District's representative and the witnesses shall participate from the District's offices. Since the witnesses are District employees, they may also be located at the District's offices for telephonic testimony. The District's attorneys shall remain at their offices in Los Angeles for the telephonic testimony, unless they wish to travel to Santa Barbara for the telephonic hearing. If that is the case, the District shall provide a room that will be large enough to hold all parties, including Parent and her legal representatives, to participate in the telephonic hearing. Each party or attorney shall use telephonic equipment that will enable everyone to hear the questions, witness responses, and objections and rulings on those objections. Witnesses shall be provided with the parties' evidence binders.

3. OAH shall initiate the telephone calls for the hearing, whether it is to be conducted via video conferencing or telephone. The parties shall notify OAH no later than 3:00 p.m. on November 13, 2012, as to the telephone numbers at which they can be reached for the purposes of the hearing on November 14, 2012.

IT IS SO ORDERED.

Dated: November 6, 2012

/s/  
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REBECCA FREIE  
Administrative Law Judge  
Office of Administrative Hearings