BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

PALO ALTO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024070468

ORDER TO RECALL WITNESS KAREN NATOCI TO COMPLETE AUDIO RECORD

DECEMBER 2, 2024

On November 27, 2024, during the due process hearing in this matter, the parties went back on the record during the testimony of Karen Natoci without the audio recording turned on. Accordingly, the witness Karen Natoci is ordered to return for testimony at a date convenient to Natoci and the parties, but no later than December 17, 2024, to fill the gap in the audio record.

Student will schedule the testimony time and date with Natoci, in consultation with Palo Alto Unified School District and the ALJ. Natoci will be given priority on the witness schedule and should testify as soon as practicable. One and one-half hours should be sufficient for Natoci's testimony.

The purpose of recalling witness Natoci is to recreate the testimony that was not recorded, with the parties directed to ask the same questions asked during Natoci's original testimony. The ALJ will allow some latitude in varying questions so long as the same course of questioning is followed, and the parties may probe changes, if any, in Natoci's responses to the original questions.

Questions objected to in the original testimony may be asked again, and if objected to again will be ruled upon on the record.

For the parties' reference, the audio record ended during the cross-examination and direct examination of Natoci by Palo Alto Unified School District. Natoci had been directed to Student's exhibit S21, page S274, and was answering questions regarding Student's switch from low-and-mid-tech communication devices to a high-tech device recommended by Stanford University. Natoci testified to her experience setting up Student's lower tech communication devices and stated that she was not starting from scratch with the high-tech device. She demonstrated technology for staff working with Student, showed them steps involved, and tweaked the program for Student's success. Natoci's testimony ended with an analogy to adjusting the seat of a car, and a statement that her number one goal was for Student to be successful.

In general, Palo Alto's remaining questions covered the process for ramping up communication devices, Natoci's involvement after the communication device was calibrated, why Natoci noted she would recommend an increase in augmentative and alternative communication consult minutes in her log notes at Student's exhibit S63, whether she observed if Student was successful with the new device, how Student's ability to use the device would be assessed, and Student's challenges in using a communication device.

On re-direct and re-cross examination, Student's questions generally covered Natoci's involvement in ramping up the Korean output feature of Student's new communication device, her log notes to recommend additional AAC consultation minutes, her interactions with the speech-language pathologists working with Student, inclusion of Parents in ramping up the new communication device in spring 2022, and where she kept student files.

The parties are reminded that the purpose of recalling Karen Natoci as a witness is to re-create the audio record that was lost, and not for purposes of expanding or adding to Natoci's testimony on November 27, 2024.

IT IS SO ORDERED.

Alexa Hohensee

Alexa Hohensee
Administrative Law Judge
Office of Administrative Hearings