BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

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| In the Matter of: | |
| PARENT ON BEHALF OF STUDENT, | OAH Case No. 2016060105 |
| v. | ORDER GRANTING MOTION TO ALLOW EXPERT'S OBSERVATION |
| ARCADIA UNIFIED SCHOOL DISTRICT; BONITA UNIFIED SCHOOL DISTRICT | |

On September 12, 2016, Student filed a Motion to Allow Expert's Observation, on the grounds that District did not permit Student's expert to observe Student at school for a full day on September 7, 2016. Student contends that Student's behavior is at issue in this matter, and Student's expert, Jeffery Hayden, Ph.D., must observe Student for a full day as part of his behavioral assessment of Student. On September 15, 2016, Bonita Unified School District filed an opposition to the motion, on the grounds that the motion was unnecessary, as District was willing to permit Student's expert to observe Student for a full day. District's opposition papers further proposed that the observation occur on either September 16, September 19, or September 21, 2016.

The parties' papers reflect that, for a variety of reasons, mostly involving the unavailability of another expert Student had retained, the Labor Day weekend, and Dr. Hayden's availability to perform an observation, Student did not give notice to District of the observation planned for September 7 until September 6. Student's notice of the planned observation did not include a proposed time of day for the observation, or any indication of the length of the proposed observation. District did not agree that the observation could occur on September 7, 2016. However, in response to Student's notification, District proposed that the observation occur on September 8 or September 9. Student insisted that Dr. Hayden's observation occur on September 7. Dr. Hayden appeared at Student's school on September 7, and he was permitted to observe Student's classroom for one-and-one half hours. District did not learn until Dr. Hayden's arrival at the school that he required a full day for his observation, and District did not permit Dr. Hayden a full day for the observation.

At this time, the parties do not dispute that Dr. Hayden may observe Student for a full day. Therefore, OAH orders as follows:

Dr. Hayden may observe Student at Student's school, Ekstrand Elementary School, for a full school day, including during unstructured time, on September 21, 2016, or on any other date to which the parties agree.

IT IS SO ORDERED.

DATE: September 19, 2016

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Elsa H. Jones
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ELSA H. JONES
Administrative Law Judge
Office of Administrative Hearings