BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

PLEASANTON UNIFIED SCHOOL DISTRICT AND CONTRA COSTA COUNTY OFFICE OF EDUCATION.

OAH CASE NUMBER 2019100433

ORDER GRANTING REQUEST FOR TELEPHONIC TESTIMONY AND ORDERING ALL PARTIES TO APPEAR

On December 12, 2019, Student filed with the Office of Administrative Hearings a request to allow Father to testify telephonically in the above due process hearing. Pleasanton and Contra Costa County Office of Education filed a joint opposition to Student's request for telephonic testimony, and in the alternative, a brief continuance of this matter to allow Father to testify in person. Pleasanton and Contra Costa argue allowing Father to testify telephonically would impede their ability to challenge the credibility of his behavior and present rebuttal documents without needing to disclose them prior to testimony.

Student's request for telephonic testimony is based on the on-going health issues Father has recently incurred. Student requests Father be allowed to testify

telephonically in this matter. Father is the last witness to testify in the due process hearing.

Whether a witness may appear by telephone is a matter within the discretion of the ALJ. (Cal. Code Regs., tit 5, § 3082, subd. (g).) Student's motion to allow Father to testify telephonically is granted. Counsel for Student is responsible for ensuring Father has access to the evidence binders of all parties. Counsel for Student is further responsible for arranging a mechanism for Pleasanton and Contra Costa to deliver rebuttal documents to Father as the testimony occurs. The ALJ will seek confirmation of the delivery method at the beginning of the reconvened hearing.

Pleasanton's and Contra Costa's alternative request for continuance is denied. All parties will appear at 9:30 a.m. on Monday at the Pleasanton District Offices. Pleasanton will ensure there is a telephone with speaker phone capability available in the room for Father to be contacted. Nothing in this order will preclude Father from appearing in person on Monday.

Respondents are not precluded from requesting further in-person testimony of Father to be scheduled on a different date should specific issues regarding telephonic testimony arise. (Cal. Rules of Court, rule 3.60(g)) The ALJ retains discretion to continue the matter and order in person testimony should she deem it necessary.

IT IS SO ORDERED.

DocuSigned by:
Tiffany Gilmartin
71D0D50BAEB74A1...

DATED: December 13, 2019

Tiffany Gilmartin
Administrative Law Judge
Office of Administrative Hearings