

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

CULVER CITY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2023090399

ORDER DENYING STUDENT'S REQUEST FOR IN-PERSON HEARING

OCTOBER 26, 2023

On September 11, 2023, Parent on behalf of Student filed a due process hearing request naming Culver City School District, called Culver City. The hearing is scheduled to begin on February 13, 2024, and the prehearing conference is scheduled for February 2, 2024.

On October 18, 2023, Student filed a request for an in-person hearing. No response has been received from Culver City.

OAH is authorized to conduct due process hearings by videoconference or telephone. (Cal. Code Regs., tit. 5, § 3082, subd. (g).) OAH conducts due process hearings by videoconference using the Zoom application. Unless otherwise ordered, participants are required to appear by videoconference using computer or device with video capability and Zoom.

Student argues that the videoconferencing equipment in his home is unreliable and insufficient to view both the witness and the evidence at the same time. He also contends that there is no legal justification for a videoconference hearing, and that an in-person hearing is necessary for assessment of witness credibility and demeanor.

Department of Education regulations have long authorized the hearing officer to conduct special education hearings by videoconference, so there is statutory authority to do so. Special education Administrative Law Judges have made witness demeanor and credibility findings by videoconference since May 2020, and an in-person hearing is not necessary for that purpose. If Parent's videoconferencing equipment or internet connections are unreliable or insufficient, alternative arrangements can be discussed at the prehearing conference with the Administrative Law Judge assigned to the hearing.

Student's request for an in-person hearing is denied without prejudice. The hearing in this case is several months away. Student's request is premature as the case may resolve without the need for a hearing or Parent's technology needs may change.

**IT IS SO ORDERED.**

Alexa Hohensee

Administrative Law Judge

Office of Administrative Hearings