BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. BERKELEY UNIFIED SCHOOL DISTRICT.	OAH Case No. 2017060459 ORDER CONTINUING HEARING AND STATUS CONFERENCE

On October 26, 2017, Administrative Law Judge Alexa Hohensee continued the due process hearing in this matter to October 9, 2017, at 1:00 p.m. for a status conference, pending a hearing in the Juvenile Court of Alameda County on Berkeley Unified School District's petition for release of juvenile records relevant to this proceeding.

Evidence of statements of Student, Parent and Student's grandparent regarding where they resided between June 9, 2015 through June 9, 2017, is highly relevant to this due process proceeding. Parent must prove that Parent was a resident of Alameda County during this time period, or District was not a local educational agency responsible for providing Student with special education and related services during that time.

District has submitted evidence that Parent was a resident of Richmond, County of Contra Costa, during this period and sent Student to live with her grandparent and attend school in Berkeley, County of Alameda. District has represented that additional evidence of Parent's residence in Richmond is contained in the Juvenile Court file.

Of particular interest, District has submitted evidence that the Court-redacted Confidential Psychodiagnostic Evaluation, filed with the Juvenile Court by the Alameda County BHCS Guidance Clinic on December 2, 2016, and offered by Student in this proceeding as evidence of an alleged suspected disability (Exhibit S-24), has been further redacted with black marker by persons unknown to delete references to statements by Student, Parent and Student's grandparent regarding their living arrangements during the time period at issue. Evidence of these statements may be admissible in this proceeding, and a copy of Exhibit S-24 without the black marker or other redactions, if those sections relate to residency, would be relevant and probative of a dispositive issue.

On October 5 and 6, 2017, the parties filed notice that the Juvenile Court had continued the hearing on District's petition for release of juvenile records at Student's request to October 17, 2017. Student is currently attending public school in Marin County, Student requested the continuance in the Juvenile Court matter, and a short delay in this

proceeding is not prejudicial to Student or District. Accordingly, the hearing in this due process matter is continued to October 20, 2017, at 1:00 p.m., for a status conference on District's petition for release of juvenile records.

IT IS SO ORDERED.

DATE: October 6, 2017

DocuSigned by:
Alexa Hohensee
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ALEXA J. HOHENSEE
Administrative Law Judge
Office of Administrative Hearings