BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENTS ON BEHALF OF STUDENT, v. DOWNEY UNIFIED SCHOOL DISTRICT.	OAH Case No. 2014110441 ORDER DENYING REQUEST FOR TELEPHONIC TESTIMONY

On November 5, 2014, Parents on behalf of Student filed with the Office of Administrative Hearings a Request for Due Process Hearing naming Downey Unified School District. On March 9, 2015, a Prehearing Conference was held that scheduled the hearing for March 16, 2015 through March 19, 2015.

On March 11, 2015, Student filed with OAH a request to permit one of his expert witnesses, Dr. Maria Abramson, to testify telephonically. Student cites that he intends for Dr. Abramson to testify at 1:30 p.m. on March 19, 2015. Dr. Abramson is scheduled to conduct hearing screenings in Laguna Niguel on that morning. Per MapQuest, Laguna Niguel is 44 miles from Downey where the hearing will occur.[1] Student cites traffic concerns in having the witness arrive timely for her testimony.

Telephonic testimony is permitted when a witness is unavailable and unable to attend the physical location of the hearing for reasons such as distance or illness. Here, Dr. Abramson is available to testify. Student can alter the order of witnesses to accommodate Dr. Abramson's schedule so as she can testify personally.

Accordingly, Student's request to permit Dr, Abramson to testify telephonically is DENIED.

IT IS SO ORDERED

DATE: March 13, 2015

/s/
ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings

[1] MapQuest also estimates that travel time during post-rush hour traffic is 57 minutes.