BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: OAKLAND UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT,	
PARENT ON BEHALF OF STUDENT, v. OAKLAND UNIFIED SCHOOL DISTRICT.	OAH Case No. 2017050146 ORDER REGARDING DOCUMENTARY EVIDENCE; ORDER REGARDING TESTIMONIAL EVIDENCE AND REQUIRING PARTIES TO PROVIDE NOTICE OF INTENT TO RELY ON PRIOR TESTIMONY; AND NOTICE OF ALJ'S DISCRETION TO CONSIDER PRIOR TESTIMONY AND TO INCORPORATE PRIOR FACTUAL FINDINGS AND LEGAL CONCLUSIONS

Administrative Law Judge Theresa Ravandi heard the first portion of the expedited hearing in this matter over the course of eight days ending on August 9, 2017, and issued a final expedited decision on August 23, 2017. The ALJ convened the second part of the expedited hearing on September 7, 2017, and issued part two of the final expedited decision on September 21, 2017. The non-expedited issues are pending hearing beginning October 17, 2017. Some of the remaining issues are closely related to issues determined during the expedited hearings.

Submission and Exchange of Documentary Evidence

New evidence binders are required to maintain a clear record during the non-expedited hearing, and to ensure an organized and efficient hearing. **As ordered during the prehearing conference on October 2, 2017, the parties shall prepare new evidence binders with copies of all documents they intend to use at hearing or have the ALJ**

consider in determining the remaining issues, including any documents previously admitted at the prior expedited hearings. The parties may include in their evidence binders any document that was included in their prior evidence binders for the expedited portions of this matter, including any document that was previously withdrawn or determined to not be admissible. At the time of hearing, the ALJ will determine the admissibility of any exhibit the parties seek to admit. The parties may choose prepare a joint evidence binder, but are not required to.

All other requirements regarding documentary evidence remain. Specifically, exhibits shall be pre-marked and placed in three-ring exhibit binders prior to the hearing. The parties shall use numbers to identify exhibits, but shall place the letter "S" or "D" in front of the exhibit to designate if it is a Student or District exhibit (for example, "S-5, S-6, or D-1, D-2"). Each exhibit shall be internally paginated by exhibit, or all of a party's exhibits shall be Bates-stamped. There shall only be one document or a short series of related documents per each exhibit tab. Oakland shall include a color copy of the 2016-2017 and 2017-2018 academic calendars applicable to Student. Each exhibit binder shall contain a detailed table of contents. The parties shall serve their evidence binders on each other in compliance with Education Code section 56505, subdivision (e)(7). At the hearing, each party shall supply an exhibit binder containing its exhibits for use by the ALJ, and a second exhibit binder for use by witnesses. The parties may not serve exhibits on OAH prior to the hearing.

Prior Witness Testimony

The parties are advised that the ALJ, in her discretion, may consider and rely upon prior witness testimony in determining the current non-expedited issues. If a party calls a witness who testified in one or both of the prior expedited due process hearings, the entirety of that witness' prior testimony will be considered as part of the current non-expedited hearing. Otherwise, if a party wants the ALJ to specifically consider the prior expedited hearing testimony of a witness who does not testify during the current non-expedited due process hearing, that party shall notify the ALJ of this request, not later than the final day of hearing. Further, the parties are advised that the ALJ will incorporate prior factual findings and legal conclusions from the expedited decisions as relevant to the current remaining issues.

IT IS SO ORDERED.

DATE: October 9, 2017

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Theresa Ravandi
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THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings