

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

GUARDIAN ON BEHALF OF STUDENT,

v.

STOCKTON UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2012030889

ORDER GRANTING DISTRICT'S  
MOTION IN LIMINE

On May 16, 2012, The Stockton Unified School District (District) filed its Motion in Limine to Exclude and/or Limit Evidence Pursuant to Evidence Code Section 352. In its motion, the District requests that the Office of Administrative Hearings (OAH) issue an order requiring Guardian on behalf of Student (Student) to be required to make an offer of proof as to the admissibility into evidence of any disciplinary records involving Student since school year 2006-2007, when Student was in fourth grade.<sup>1</sup> Student filed a response to the motion on May 18, 2012.

The District cites Evidence Code section 352 in support of its motion. Section 352 provides that a court, in its discretion, may exclude evidence if its probative value is substantially outweighed by the probability that its admission will necessitate an undo consumption of time.

The District's motion is granted. Student shall present to the Administrative Law Judge on the first day of the due process hearing (1) which documents regarding Student's disciplinary history he desires to introduce into evidence, and (2) how the evidence is relevant, pursuant to Evidence Code sections 350 and 351, to the issues contained in the Prehearing Conference Order dated May 17, 2012.

IT IS SO ORDERED.

Dated: May 18, 2012

/s/

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ROBERT HELFAND  
Administrative Law Judge  
Office of Administrative Hearings

<sup>1</sup> Student is currently in tenth grade.