

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2015100365

ORDER GRANTING MOTION TO
STRIKE SUPPLEMENTAL EVIDENCE

Student filed a Request for Due Process Hearing on October 8, 2015. The due process hearing was held on January 19, 20, 21, 22, 26, 27 and 28, 2016, and on February 2, and 3, 2016. The parties filed written closing briefs on February 24, 2016.

District's closing brief included, as an exhibit, a notice of an individualized education program team meeting scheduled for March 3, 2016. On February 26, 2016, Student filed a motion to strike the exhibit and requested sanctions against District. District filed an opposition on March 2, 2016.

DISCUSSION AND ORDER

The IEP team meeting notice was sent to Parent on February 9, 2016, after the hearing ended. District contends the notice is relevant to the issues at hearing as it shows District intends to hold an IEP meeting to review, revise, and develop an IEP, based upon its recent assessments. Student makes many arguments against admission of the notice, including relevance.

Evidence of an IEP meeting noticed by District at this late date has no relevance to the hearing issues. Finally, District has not provided any authority that would allow the ALJ to reopen the hearing to allow evidence that did not exist while the hearing was in progress. Therefore, the motion to strike the supplemental evidence is granted.

Student has not shown District submitted the supplemental evidence in bad faith. District's attempt to introduce the new evidence does not amount to bad faith actions or tactics. (Gov. Code, § 11455.30.) Therefore, Student's request for sanctions is denied.

DATE: March 18, 2016

DocuSigned by:
Cole Dalton
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COLE DALTON
Administrative Law Judge
Office of Administrative Hearings