BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

SWEETWATER UNION HIGH SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2025120840

ORDER DENYING MOTION FOR EVIDENTIARY SANCTIONS FOR SPOLIATION OF EVIDENCE

JANUARY 13, 2026

On December 19, 2025, Sweetwater Union High School District, called Sweetwater, filed a request for due process naming Parent on behalf of Student. On January 9, 2026, an order granting a continuance in this matter was granted scheduling the case for hearing on January 21 and 22, 2026.

On January 8, 2026, Student filed a motion for evidentiary sanctions for spoliation of evidence, that is, Sweetwater's destruction of an individualized education program, called IEP, team meeting recording. Student seeks evidentiary sanctions of an adverse inference that the recording would have shown Sweetwater did not offer a free

appropriate public education, called FAPE, and ordering Sweetwater be precluded from offering testimony contradicting Parent's account of the meeting.

On January 8, 2026, Sweetwater filed an opposition, stating that Parent told Sweetwater it had committed a violation of Parent's rights by recording the IEP team meeting without his consent and the recording was deleted to rectify the alleged procedural violation.

An inference is a deduction of fact that may logically and reasonably be drawn from another fact or group of facts found or otherwise established in the action. (Evid. Code, § 600, subd. (b).) If a party provides weaker evidence when it could have provided stronger evidence, the trier of fact may distrust the weaker evidence. (*Ibid.*; see also Evid. Code, § 412; *Vallbona v. Springer* (1996) 43 Cal.App.4th 1525, 1537.) Failure to provide an IEP team recording could raise a reasonable inference that the recording would not support the testimony of witnesses who attended the meeting.

In exhibits to Parent's sworn declaration, Parent sometimes asserts the IEP team meeting, which took place on the Zoom platform, was audio recorded, and sometimes asserts it was video recorded. Parent's declaration and Student's submissions are limited to Parent's November 4, 2025, email requesting a copy of the recording, Sweetwater's November 5, 2025, email promising to provide a copy, and Sweetwater's subsequent December 17, 2025, email stating the recording was destroyed.

Sweetwater submits the sworn declaration of its Director of Special Services attaching Sweetwater's December 17, 2025, prior written notice to Parent apparently responding to Parent's assertion that the recording of the IEP team meeting was unlawful. The Director explains Parent usually recorded IEP team meetings, so Sweetwater did as well, but on November 4, 2025, Parent did not record the meeting

and Sweetwater erroneous did so. Sweetwater deleted the recording after Parent stated the recording was a violation of his procedural rights.

It is unclear from the declarations and documents submitted by either side exactly what Parent said to Sweetwater, verbally or in writing, regarding the alleged unlawfulness of the recording. The attachments to the moving and opposition papers suggest that the recording was destroyed at Parent's request. It is also unclear whether Student received a copy of the IEP team meeting recording prior to its destruction and is capable of offering the recording into evidence himself. What occurred regarding the destruction of the recording requires a factual inquiry at the due process hearing.

In addition, the deletion of the recording took place prior to the filing of Sweetwater's due process hearing request. Student references a case he states imposes a duty to preserve evidence when litigation is reasonably foreseeable, but fails to provide a citation to such authority. The case name, *Victor Valley Union High School District v. Superior Court*, appears to be a civil case which would be subject to the Code of Civil Procedure, but evidentiary sanction procedures do not apply to administrative proceedings. (See Gov. Code, § 11513, subd. (c) [the hearing need not be conducted according to technical rules relating to evidence and witnesses].)

Rationally, if Sweetwater destroyed the IEP team meeting recording at Parent's request, Student is not entitled to any inferences for failure by Sweetwater to produce the recording, and testimony regarding the meeting will be allowed. Similarly, if Student has a copy of the recording but fails to offer it, an adverse inference may be applied to Student's evidence.

Accordingly, Student's motion for evidentiary sanctions against Sweetwater for spoliation of evidence is denied.

IT IS SO ORDERED.

Alexa Hohensee

Alexa Hohensee

Administrative Law Judge

Office of Administrative Hearings