BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENTS ON BEHALF OF STUDENT, v. ANTIOCH UNIFIED SCHOOL DISTRICT.	OAH Case No. 2018050541 ORDER DENYING REQUEST FOR JUDICIAL NOTICE

On November 19, 2018, in Student's closing brief and in a separate pleading, counsel requested that the administrative law judge take judicial notice of a 2011 Investigation Report, Case R-0347-11 for Case s-0089-11/12, issued by the California Department of Education. Antioch did not respond to Student's request.

Student's failure to timely disclose this information at least five business days prior to hearing as required by Education Code section 56505, subdivision (e)(7), and failure to produce this document at hearing, deprived Antioch of the opportunity to question witnesses, submit documents, or raise arguments in response to this proposed evidence. Thus, the request is denied as untimely. (Ed. Code, § 56505, subd. (e)(7); *J.W. v. Fresno Unified School Dist.* (9th Cir. 2010) 626, F.3d 431, 440.)

IT IS SO ORDERED.

DATE: November 26, 2018

DocuSigned by:
Cynthia Fritz
3054C9C1F7E040A...

CYNTHIA FRITZ
Administrative Law Judge
Office of Administrative Hearings