BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. FREMONT UNION HIGH SCHOOL DISTRICT.	OAH Case No. 2018090670 ORDER DENYING STUDENT'S MOTION TO ADMIT NEW EVIDENCE

On November 29, 2018, Student filed a motion to admit new documentary evidence. Specifically, Student requested two additional documents be admitted, a copy of a traffic ticket and a copy of a previous due process hearing's notice of withdrawal. Fremont filed an objection to Student's request on November 30, 2018. Student filed a response to Fremont's opposition on December 3, 2018.

Education Code Section 56505, subdivision (e)(7), provides the right of the parties to receive exhibits at least five business days prior to the hearing from other parties to the hearing. (Ed. Code, § 56505 subd. (e)(7).)

The documents Student seeks to admit were not disclosed to Fremont in Student's prehearing conference statement. Nor did Student exchange them with Fremont during the appropriate window for documentary evidence exchange. Student failed to comply with the statutory timeline for documentary evidence exchange regarding these documents. Student's request to admit new evidence is untimely.

ORDER

Student's request to admit new evidence is denied.

DATE: December 3, 2018

DocuSigned by:
Tiffany Gilmartin
31D0D59BAEB74A1...

TIFFANY GILMARTIN
Administrative Law Judge
Office of Administrative Hearings