BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT

v.

VISTA OAKS CHARTER SCHOOL

OAH CASE NUMBER 2026050648

ORDER GRANTING MOTION TO RECEIVE EVIDENCE

AUGUST 19, 2026

On July 27, 2026, Student filed a motion to receive hearing exhibit S4 into evidence, asserting that it had not been moved into evidence due to oversight. On August 3, 2026, Vista Oaks Charter School filed an opposition to the motion, asserting that it was not authenticated and was not used with a witness.

Admission of evidence at hearing is a matter of discretion for the hearing officer. Relevant evidence shall be received over an authentication challenge if there is a sufficient reason to believe that the document is what it purports to be. Evidence admission in administrative hearings is generally permissive, in keeping with the need to develop a full record for a reviewing court. A reviewing court shall receive additional evidence at the request of a party. (20 U.S.C. § 1415(i)(2); 34 C.F.R. § 300.516.)

Exhibit S4 is an email sent from a Vista Oaks employee to Parent, requesting Student's answers to four questions. The exhibit has two types of handwriting on it. Parent was sworn in at hearing during Parent's questioning of witnesses so her factual statements during questioning could be considered as evidence, but Parent did not testify at hearing. Parent introduced S4 during the questioning of Dr. Nico Peters, who had conducted a psychoeducational assessment of Student for Vista Oaks. Student did not extensively question Dr. Peters about the email. Vista Oaks objected to questioning Dr. Peters about it because no foundation had been laid to show Dr. Peters had ever seen the email. In resolving the objection, the ALJ reminded Parent that they had sworn to be truthful and asked if they had received the email, when they had received the email, and whose handwriting was on the email. Parent stated that the writing on the email was not handwriting as such, but was done by Parent and Student on an iPad. Parent stated that the email was then sent back to the Vista Oaks employee.

Exhibit S4 was marked for identification and moved into evidence. Vista Oaks objected to its introduction, but withdrew the objection after the ALJ stated that it had been sufficiently authenticated by Parent's testimony. Vista Oaks stated it would address the exhibit with the employee who had written the email. (Recording of Day 5 of Hearing, running time 2:52 to 2:58.) Neither party then later addressed the email with the employee who had sent it. S4 was not marked into evidence when it was introduced and the oversight was not corrected at the evidence review session held after the completion of testimony. Student's motion seeks to correct the oversight.

Exhibit S4 will be received into evidence. The document was introduced at hearing and authenticated by Parent, who was a sworn witness. Vista Oaks initially objected to receiving it, but withdrew the objection. Accordingly, it is proper to receive it. The parties are advised that its reception into evidence does not establish that the

Vista Oaks employee who sent the initial email received the response prepared by Parent and Student or that Vista Oaks ever became aware of the information in the response by Parent.

ORDER

Exhibit S4 will be added to the evidence admitted to the hearing record.

Chris Butchko

Chris Butchko
Administrative Law Judge
Office of Administrative Hearings