BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. SANTA ANA UNIFIED SCHOOL DISTRICT.	OAH Case No. 2018110993 ORDER DENYING MOTION IN LIMINE TO EXCLUDE WITHOUT PREDUJICE

On November 30, 2018, Student filed a Due Process Hearing Request[1] (complaint) with the Office of Administrative Hearings naming Santa Ana Unified School District.

On April 8, 2019, Student filed a motion in limine to exclude. On April 11, 2019, Santa Ana filed opposition to Student's motion.

APPLICABLE LAW

OAH requires a party to file a prehearing conference statement at least three business days prior to the PHC. Each party has a duty to disclose his/her witnesses and documentary exhibits in the mandatory PHC statement. Education Code section 56505, subdivision (e)(7) requires the parties to a due process hearing to provide documents and disclose witnesses to the other party at least five business days before the commencement of the hearing. The Administrative Law Judge hearing the case has the discretion to exclude from evidence any documents, or witness testimony not so disclosed. (Ed. Code § 56505.1, subd. (f).)

DISCUSSION

Student's motion in limine is vague and ambiguous. Student seeks to exclude evidence stated as "page five lines four through fourteen" but does not point to the specific referencing document. Further, Student alludes to other evidence or facts for exclusion but does not specifically reference the evidence. Thus, it is unclear what evidence Student requests excluded from the hearing.

[1] A request for a due process hearing under Education Code section 56502 is the due process complaint notice required under title 20 U.S.C. section 1415(b)(7)(A).

Additionally, the determination of what evidence will be admitted during the due process hearing is a matter to be determined during the prehearing conference or at the time of the due process hearing. Presently, neither party has submitted a PHC statement for the PHC set for April 22, 2019. Therefore, Student's request for OAH to exclude evidence is premature. Accordingly, Student's motion in limine is denied without prejudice.

IT IS SO ORDERED.

DATE: April 12, 2019

DocuSigned by:
Cynthia Fritz
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CYNTHIA FRITZ
Administrative Law Judge
Office of Administrative Hearings