BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. TORRANCE UNIFIED SCHOOL DISTRICT.	OAH Case No. 2015100570 ORDER DENYING MOTION IN LIMINE WITHOUT PREJUDICE

On October 14, 2015, Parent on behalf of Student filed a request for due process with the Office of Administrative Hearings, naming the Torrance Unified School District.

On November 3, 2015, Student filed a motion in limine for OAH to admit into evidence at the due process hearing a transcript of his individualized education program team meeting. No opposition was received from District.

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 AND ORDER

Student's complaint alleges, amongst other issues, that District denied Student a free appropriate public education by failing to offer Student appropriate placement and services during an IEP team meeting held on November 6, 2014. Student's motion in limine seeks to include a transcript of that IEP team meeting as evidence for the due process hearing.

The determination of what evidence will be admitted during the due process hearing is a matter to be determined during the PHC. Presently, neither party has submitted a PHC

statement for the PHC, set for November 30, 2015. Therefore, Student's request for OAH to permit the admission of evidence is premature.[1]

Accordingly, Student's motion in limine is denied without prejudice. Student may renew his motion at the PHC.

IT IS SO ORDERED.

DATE: November 13, 2015

/s/
PAUL H. KAMOROFF
Administrative Law Judge
Office of Administrative Hearings

[1] Student's legal counsel has filed similar motions in limine in other cases, and is reminded that these motions should also be filed as part of the PHC process so that the Administrative Law Judge assigned to the case can make determinations of relevant evidence.