BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENTS ON BEHALF OF STUDENT, v. RAMONA UNIFIED SCHOOL DISTRICT,	OAH Case No. 2015110380
RAMONA UNIFIED SCHOOL DISTRICT, v. PARENTS ON BEHALF OF STUDENT.	OAH Case No. 2015100934 ORDER DENYING STUDENT'S MOTION IN LIMINE TO EXCLUDE CERTAIN EXHIBITS

On January 15, 2016, Parents on behalf of Student filed a motion in limine to exclude the admissibility of seven exhibits listed on Ramona Unified School District's exhibit list. The exhibits in issue are as follows (numbers relate to the number for the exhibit on Ramona's exhibit list):

1. Ramona 2012 individualized education plan.
2. Ramona 2013 IEP
3. Julian 2014 IEP
4. Julian Amendment to 2014 IEP
6. Ramona Speech & Language 2012 Evaluation
7. Julian psycho-ed assessment dated March 14, 2014, and Speech & Language assessment (undated)
37. Julian SEIS dated March 27, 2014

Student contends that the exhibits are irrelevant because the exhibits relate to prior IEP's and assessments. No opposition was received from Ramona.

Evidence Coode Section 350 states, "No evidence is admissible except relevant evidence." Relevant evidence is defined as evidence "having any tendency in reason to prove or disprove any disputed fact that is of consequence to the determination of the action." (Evidence Code, § 210.)

On January 8, 2016, the parties attended a Prehearing Conference before the undersigned Administrative Law Judge. The PHC Order states that the issues are as follows:

Student's Issue

(A) Whether District denied Student a free appropriate public education by failing to assess and provide services in in all areas of suspected disability, specifically in the areas of learning disability, attention deficits, autistic tendencies, visual processing, behavior, and social/emotion?

District's Issue

(B) Whether District's initial assessment, dated September 18, 2015, was appropriate such as Student is not entitled to an Independent Education Evaluation at District expense?

Here both the Student and District issues refer to the appropriateness of Ramona's September 18, 2015 initial special education assessment in that Ramona failed to assess in all areas of suspected disabilities, Student's issue also encompasses the appropriateness of Ramona's IEP in that it fails to provide services to meet all areas of suspected disabilities.

Prior IEP's and assessments may be relevant to the issue of Ramona's knowledge of what areas Student had suspected disabilities. Therefore, the exhibits listed above appear to be relevant as defined by Evidence Code Section 140.

Accordingly, Student's motion to exclude exhibits 1, 2, 3, 4, 6, 7, and 37 is denied without prejudice.

IT IS SO ORDERED

DATE: January 25, 2016

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings