BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. ESCONDIDO UNION SCHOOL DISTRICT,	OAH Case No. 2017040003
ESCONDIDO UNION SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2017050705 ORDER REGARDING REPLACEMENT COPY OF STUDENT'S EXHIBIT 4

On August 23, 2017, at approximately 3:25 p.m.,[1] District moved Student's Exhibit 4 into evidence. Student's Exhibit 4 was a functional behavior assessment conducted by Salvatore D'Amico, dated May 25, 2016. Student's Exhibit 4 was received into evidence at the conclusion of Mr. D'Amico's testimony.

On August 24, 2017, at approximately 3:55 p.m. at the conclusion of the hearing, the Administrative Law Judge reviewed with the attorneys the numbers of all the exhibits that had been admitted. The ALJ did not announce Student's Exhibit 4. The ALJ asked the attorneys if she had missed any exhibits. Both Student's and District's attorneys indicated the ALJ had not missed any exhibits. The ALJ removed from the witness and ALJ copies of the exhibit binders all pre-marked exhibits that were not on the list of admitted exhibits to which the attorneys agreed, and returned those exhibits to the Student's and District's attorneys. Both copies of Student's Exhibit 4 were returned to Student's attorney.

The ALJ has discovered that Student's Exhibit 4 had been admitted but mistakenly not retained for the record.

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[1] The times of the discussions are noted in this order to assist the parties in verifying the information stated in this Order. Both Student's and District's attorneys audio recorded the due process hearing.

By 5:00 p.m. on September 29, 2017, Student and District each shall file with the Office of Administrative Hearings a true and correct copy of what had been marked and received as Student's Exhibit 4.

IT IS SO ORDERED

DATE: September 28, 2017

DocuSigned by:
Kara Hatfield
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KARA HATFIELD
Administrative Law Judge
Office of Administrative Hearings