BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS OF:

PARENTS ON BEHALF OF STUDENT,

v.

MCCABE UNION ELEMENTARY SCHOOL DISTRICT,

OAH CASE NUMBER 2019040734

and

MCCABE UNION ELEMENTARY SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT,

OAH CASE NUMBER 2019050092

ORDER GRANTING MOTION TO EXCLUDE TESTIMONY OF STUDENT

On, January 6, 2020, Parents on behalf of Student filed with the Office of Administrative Hearings a motion to exclude the testimony of Student. The motion was supported by a declaration from Student. Student contends that his testimony is

irrelevant, would result in cumulative evidence and would be unnecessarily time-consuming. In addition, Student declares that compelling him to testify at the hearing would cause him to experience significant trauma and anxiety. On January 7, 2020, McCabe Union Elementary School District filed a non-opposition to the motion.

The Administrative Law Judge has discretion to exclude any otherwise relevant evidence if its probative value is substantially outweighed by the probability that its admission will necessitate undue consumption of time, create a substantial danger of undue prejudice, or result in confusing the issues. (Evid. Code, § 352; Gov. Code, § 11513 (f).) Here, Student's testimony would result in cumulative evidence and would be unnecessarily time-consuming. Accordingly, the motion to exclude Student's testimony is granted. Neither party may call Student as a witness at the due process hearing, unless the Administrative Law Judge grants a party's written motion based on a compelling reason establishing the need for Student to provide his testimony.

IT IS SO ORDERED.

DATED: January 10, 2020

DocuSigned by:
Rommel P. Cruz
2ABEBDA0DF98475...

Rommel P. Cruz
Administrative Law Judge
Office of Administrative Hearings