BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. CAPISTRANO UNIFIED SCHOOL DISTRICT AND COMMUNITY ROOTS ACADEMY.	OAH Case No. 2016100466
PARENT ON BEHALF OF STUDENT v. CAPISTRANO UNIFIED SCHOOL DISTRICT.	OAH Case No. 2017030402 ORDER SUSTAINING OBJECTION TO STUDENT'S EXHIBIT 84; ORDER DENYING STUDENT'S REQUEST TO FILE CASE DECISION CONFIDENTIALLY

On the second to last day of hearing in this matter, Student moved to admit into evidence her Exhibit 84, a two-page transcript prepared by Student's mother of a portion of an individualized education program team meeting held on March 20, 2017. District objected to the document as irrelevant because the IEP team meeting took place after the time period covered by the hearing. The undersigned Administrative Law Judge, who was hearing the matter, deferred a decision on admission of the exhibit for consideration on the last day of hearing. However, the exhibit was not addressed on that date. On May 16, 2017, after the last day of hearing, Student filed a request that the document be admitted into evidence.

The IEP meeting during which the conversation at issue occurred took place subsequent to the time frame at issue in this case. Additionally, the recording of the March 20, 2017 IEP team meeting was not entered into evidence. Student's Exhibit 84 covers only a few minutes of the meeting; it is therefore not possible to determine if the conversation transcribed in Student's Exhibit 84 captured the entire conversation on the issue or if the portion transcribed was taken out of context. Therefore, after due consideration, Student's request is denied, and District's objection to Student's Exhibit 84 is sustained.

Student also requested that identifying information be excluded from the Decision in this case, and that the Decision not be made public. The Office of Administrative Hearings

keeps confidential the name of students, their parents, and other family members so that the student at issue in a due process hearing is not identified. That protocol will be followed in this case. However, OAH decisions are required to be made available to the public. (Ed. Code, § 56505, subd. (e)(5).) OAH is therefore unable to honor Student's request that the Decision in her case not be made public.

IT IS SO ORDERED.

DATE: May 24, 2017

DocuSigned by:
Darrell Lepkowsky
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DARRELL LEPKOWSKY
Administrative Law Judge
Office of Administrative Hearings