

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT ON BEHALF OF STUDENT,	OAH CASE NO. 2015030156
v.	
CARLSBAD UNIFIED SCHOOL DISTRICT,	
CARLSBAD UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2015050233
v.	
PARENT ON BEHALF OF STUDENT.	ORDER DENYING DISTRICT'S MOTION IN LIMINE WITHOUT PREJUDICE

On June 9, 2015, District filed a Motion in Limine to prevent Student's introduction of evidence that Student should have been made eligible for special education before September 1, 2014. Student did not file an opposition.

Although OAH has granted motions to dismiss allegations that are facially outside of OAH jurisdiction, e.g., civil rights claims, section 504 claims, enforcement of settlement agreements, incorrect parties, etc., OAH will not dismiss claims that have otherwise been properly pleaded. District's Motion is based on a settlement agreement which allegedly discharged these claims by the Student through August 31, 2014. District cited Evidence Code section 352 in support of its motion arguing that a court, in its discretion, may exclude evidence if its probative value is substantially outweighed by the probability that its admission will necessitate an undo consumption of time, create substantial danger of undue prejudice, or confuse the issues or mislead the jury.

District fails to point to any authority that would require OAH to hear and determine the equivalent of a judgment on the pleadings and/or motion for summary adjudication of an issue prior to giving Student the opportunity to develop a factual record at hearing. District's relevance objections cannot be resolved without making factual findings at hearing about the settlement agreement and providing Student the opportunity to respond to arguments regarding relevance before an ALJ makes a ruling. In light of the liberal notice pleading standards applicable to IDEA due process hearing requests and relaxed evidence rules, as a

general matter, sufficiently pleaded due process hearing requests should proceed to hearing and parties must be allowed an opportunity to make a record. Accordingly, District's motion is denied without prejudice.

IT IS SO ORDERED.

DATE: June 15, 2015

/s/

SABRINA KONG
Administrative Law Judge
Office of Administrative Hearings