

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENT ON BEHALF OF STUDENT,

v.

ONTARIO-MONTCLAIR SCHOOL DISTRICT.

OAH CASE NUMBER 2026030348

ORDER DENYING MOTION TO REOPEN EVIDENTIARY
RECORD

SEPTEMBER 30, 2026

On March 4, 2026, Student filed a due process hearing request with the Office of Administrative Hearings, called OAH, naming Ontario-Montclair School District, called Ontario-Montclair. On April 13, 2026, OAH granted the parties' joint request for continuance.

Administrative Law Judge Paul H. Kamoroff heard this matter by videoconference on August 18, 19, 20, 25, 26, and 27, 2026.

On September 8, 2026, Student filed a Motion to Reopen the Record for the purpose of admitting a different version of an individualized education program, called

IEP, that was admitted as evidence during the due process hearing. Ontario-Montclair did not respond to the motion.

California Education Code section 56505, subdivision (e)(7), requires parties to a special education due process proceeding to disclose to one another all documents that they intend to offer into evidence at least five business days before the hearing.

Education Code section 56505.1, subdivision (f), further provides that the Administrative Law Judge presiding over the matter may bar the introduction of documents that were not disclosed to the opposing party as required by section 56505, subdivision (e)(7), absent the opposing party's consent.

Student asserts that there are two versions of Student's October 12, 2023 IEP. The first version, Version One, is the version that Parent received in person at the October 12, 2023 IEP team meeting. The second version, Version Two, was subsequently provided to Parent by Student's former attorney.

During the due process hearing, both Student and Ontario-Montclair identified Version Two as a materially accurate version of Student's October 12, 2023 IEP. Version Two was admitted into evidence during the hearing.

At no point during the hearing did Student request that Version One be admitted into evidence. Student did not identify Version One as a separate documentary exhibit or otherwise indicate that Version One, as distinguished from Version Two, was being offered as evidence in this matter.

Student subsequently rested his case-in-chief. At the conclusion of the evidentiary proceedings, OAH ordered that no further documentary evidence would be

received into the record. Accordingly, the evidentiary record was closed on August 27, 2026.

Student now seeks to reopen the evidentiary record to permit the admission of Version One of the October 12, 2023 IEP.

The motion is denied because Student has not established good cause for reopening the record. Most significantly, Student does not contend that Version One was unavailable to him during the pendency of the due process hearing. To the contrary, Student acknowledges that he possessed Version One since October 2023, well before the commencement of the due process hearing.

Thus, Student had possession of Version One for a substantial period before the hearing and had the opportunity to identify it, disclose it, and seek its admission into evidence during the evidentiary proceedings. Nevertheless, Student did not identify Version One as a separate evidentiary document, did not request its admission during the hearing, and did not seek to introduce it before resting his case-in-chief and the closure of the evidentiary record.

Student has therefore failed to demonstrate good cause for his failure to offer Version One during the hearing or for reopening the record after the evidentiary proceedings concluded.

Student's Motion to Reopen the Evidentiary Record for the purpose of admitting
Version One of Student's October 12, 2023 IEP is denied.

IT IS SO ORDERED.

Paul Kamoroff

Paul H Kamoroff

Administrative Law Judge

Office of Administrative Hearings