BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2017060872
v.	ORDER DENY MOTION TO ADMIT EVIDENCE
MENIFEE UNION SCHOOL DISTRICT.	

On June 20, 2017, Parent on behalf of Student filed with the Office of Administrative Hearings a due process hearing request, naming Menifee Union School District.

The due process hearing convened on August 15 and 16, 2017, before Administrative Law Judge Rommel Cruz, Office of Administrative Hearings.

On August 16, 2017, at the conclusion of the hearing, the matter was continued to allow parties to submit written closing briefs. The briefs were due at 5:00 p.m. on August 31, 2017. Parties timely filed their briefs. The record was then closed and the matter was submitted to the ALJ for a decision.

On September 1, 2017, Parent contacted OAH to inquire if she was permitted to submit a motion to have a document admitted. According to Parent, OAH informed her that the record remained open until the ALJ issued the decision. Student filed her motion to admit the document the same day.

On September 7, 2017, District filed its opposition to admit the document.

APPLICABLE LAW AND DISCUSSION

Special education law does not address the reopening of the evidentiary record after the hearing. Using civil law principles as guidance, the reopening of a case to receive additional evidence is generally a matter within the trial court's discretion. (*Horning v. Shilberg* (2005) 130 Cal.App.4th 197, 208, citing *Rosenfeld, Meyer & Susman v. Cohen* (1987) 191 Cal.App. 3rd 1035, 1052-53.)

Here, the record was closed on August 31, 2017, upon the filing of parties' written closing briefs. Parent inquired with OAH about her motion on September 1, 2017, after the record was closed. Parent's motion filed on September 1, 2017, is untimely, and therefore, denied.

ORDER

Student' motion to admit evidence is denied.

DATE: September 12, 2017

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Rommel P. Cruz
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ROMMEL P. CRUZ
Administrative Law Judge
Office of Administrative Hearings