BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2018050736
v.	ORDER DENYING MOTION TO STRIKE, AND ACCEPTING STIPULATION OF FACTS
LONG BEACH UNIFIED SCHOOL DISTRICT.	

On the last day of hearing, the undersigned ALJ ordered the parties to meet and confer over discrepancies discovered after testimony had completed regarding Student's Exhibit 66 (January 31, 2018 IEP) and District's withdrawn Exhibit 19 (January 31, 2018 IEP). Specifically, the ALJ ordered the parties to meet and confer to resolve the discrepancies and to file a joint stipulation regarding their resolution of discrepancies. If necessary, the parties could include a declaration by the relevant witness in conjunction with the stipulation. Alternatively, the parties were to notify OAH if additional testimony was needed to resolve the discrepancy. The ALJ agreed to consider the parties' positions and determine whether additional testimony was necessary before the record closed.

On December 20, 2018, Long Beach Unified School District filed a Response to ALJ's Inquiry Re: Discrepancy in Documents accompanied by three sworn declarations. On December 31, 2018, Student filed a Motion to Strike Response to ALJ's Inquiry Regarding Discrepancy, and concurrently filed a Joint Stipulation of Fact accompanied by a sworn declaration by Student's attorney attaching District's Exhibit 19.

After reviewing Long Beach District's response, Student's Motion to Strike, the December 28, 2018 Stipulation signed by counsel, and the relevant portions of the record, the ALJ makes the following orders:

1. The Motion to Strike is Denied. The Motion and its attachments will remain part of the record. However, the ALJ will not consider the additional declarations as evidence because they include additional testimony by two witnesses called during hearing. Student's counsel has not had the opportunity to cross exam the witnesses on the additional declarations, and has not stipulated to their accuracy.

2. The parties may include in their closing briefs any argument regarding the January 31, 2018 IEP and the related testimony of Ms. Kutis offered during hearing.

3. The December 28, 2018 Stipulation of Facts signed by both counsel will be considered by the ALJ as part of her findings of fact for the Decision in this case. The December 28, 2018 Stipulation shall be controlling because it includes the facts of the December 3, 2018 Stipulation.

IT IS SO ORDERED.

DATE: January 2, 2019

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Adrienne L. Krikorian
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ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings