BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2015030220
v.	ORDER DENYING REQUEST TO CONDUCT AN ADDITIONAL DAY OF HEARING
FRESNO UNIFIED SCHOOL DISTRICT.	

This case was filed on March 3, 2015. The due process hearing was held on June 10, 11, 12, 15, 16, 17, 18, 23, 24, and 25, 2015. The matter was completed on June 25, 2015, with the exception of the receipt of closing arguments which are now due on August 6, 2015.

On July 23, 2015, Student was assessed at Lindamood-Bell Learning Processes in San Luis Obispo, at the request of Parent. On July 29, 2015, Student filed a request asking that the Office of Administrative Hearings reopen the due process hearing so that he may introduce evidence including the Lindamood-Bell assessment. Fresno Unified School District filed an opposition to this request.

DISCUSSION AND ORDER

Student is asking that the hearing be reopened to present evidence of an assessment of Student conducted by the Lindamood-Bell on July 23, 2015. Student wishes to have someone from the Center testify about the assessment as part of his case for the purpose of presenting his need for compensatory education.

This matter was filed by Student on March 3, 2015. The complaint contains allegations that Student has deficits in reading comprehension, and the proposed resolutions request compensatory education in several areas, including reading comprehension. The Order following the prehearing conference conducted on May 22, 2015, contains the explicit instruction that any party requesting compensatory education "should provide evidence regarding the type, amount, duration, and need for any requested compensatory education." Student was given this opportunity during the hearing.

The due process hearing in this matter began on June 10, 2015, and continued for eight additional days during June 2015, with the parties resting their respective cases after 5:00 p.m. on June 25, 2015. Student was represented by Mother. The evidence Student wishes to present was developed four weeks following the conclusion of the hearing.

Student had more than three months after filing his complaint to the commencement of the hearing to obtain an assessment that might show a need for compensatory education and recommended services. In addition, Mother was verbally advised during the PHC on May 22, 2015, of the evidentiary requirements for establishing a remedy of compensatory education, should Student prevail. During the course of the hearing, there were several days when the hearing did not occur, which provided an opportunity for such an assessment to occur, and Mother could then have asked to add this evidence and/or could have requested a continuance of the hearing so that this assessment could be completed. She did not do so, and rested her case on June 25, 2015. Finally, Student has not provided any authority that would permit the ALJ to reopen the hearing for evidence that did not exist at the time of the hearing. Accordingly, the request to reopen the case is denied.

IT IS SO ORDERED.

DATE: July 31, 2015

/s/

REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings