BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

SACRAMENTO CITY UNIFIED SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2022080223

ORDER GRANTING MOTION TO COMPEL PRODUCTION AND ORDERING PARTIES TO MEET AND CONFER

AUGUST 26, 2022

On August 25, 2022, Sacramento City Unified School District filed a motion to compel production of evidence, based upon Student's failure to upload exhibits for this matter to Case Center. Sacramento argues Student failed to comply with the Office of Administrative Hearing's August 22, 2022 Prehearing Conference Order and Education Code section 56505, each which required the exchange of exhibits by 5:00 PM on August 24, 2022. The Office of Administrative Hearings is referred to as OAH.

OAH's Prehearing Conference Order required the parties to serve their exhibits on each other in compliance with Education Code section 56505, subdivision (e)(7). The parties shall upload their exhibits electronically according to the Order Setting

Procedures for Filing Exhibits Electronically. Timely uploading electronic hearing exhibits five business days before the first day of hearing constitutes that party's timely exchange of evidence in compliance with Education Code section 56505, subdivision (e)(7).

Except for good cause shown, or unless used solely for rebuttal or impeachment, any exhibit not timely exchanged as required by Education Code section 56505, subdivision (e)(7) shall not be admitted into evidence at the hearing unless the Administrative Law Judge rules that it is admissible. By this authority, the Parties were required to upload their exhibits no later than 5:00 PM on August 24, 2022.

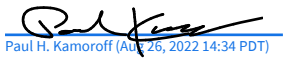
The failure to comply with OAH's Prehearing Conference Order or other OAH Orders may result in the exclusion of evidence or other sanctions.

Here, Student failed to timely upload his evidence to Case Center, in violation of the above statute and OAH's Prehearing Conference Order. However, Parent informed OAH staff that she was unable to upload Student's exhibits based upon a lack of access to technology necessary to upload the exhibits. Therefore, Student shall have until 3:00 PM on August 29, 2022, to either upload the exhibits to Case Center, or to provide a copy of the exhibits and an exhibit list to Sacramento City Unified School District's Special Education Department, located at 5735 47th Avenue Sacramento, CA 95824. Sacramento City Unified School District shall scan the exhibits and exhibit list provided by Parent and send such to OAH through the Secured File Transfer system. OAH staff will then upload the documents onto Case Center.

The parties are also ordered to meet and confer by 5:00 PM on August 29, 2022, to determine if Parent requires a private room with a computer, internet access, audio, and a camera, provided by Sacramento City Unified School District, to participate during

the videoconference due process hearing. If so, Sacramento City Unified School District, as the petitioning party, shall provide Parent those accommodations to permit Parent to participate during the videoconference hearing.

IT IS SO ORDERED.



Paul H Kamoroff

Administrative Law Judge

Office of Administrative Hearings