

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

R.T. by and through his guardian ad litem, David Tsukiyama v. San
Diego Unified School District

R.T. · No. 25-cv-1624-AJB-BJW · Decided February 4, 2026

SUMMARY

The United States District Court for the Southern District of California grants San Diego Unified School District’s motion to supplement the administrative record in an Individuals with Disabilities Education Act action. The court finds that email correspondence, attendance records, and an enrollment agreement are relevant, non-cumulative, authenticated, and admissible. The order does not address the merits of the underlying litigation.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Anthony J. Battaglia
JURISDICTION	United States District Court for the Southern District of California
DECIDED	February 4, 2026
DOCKET	25-cv-1624-AJB-BJW
DISPOSITION	other
PROCEDURAL POSTURE	Defendant and Counter Claimant San Diego Unified School District moved to supplement the administrative record in Plaintiff's action seeking review of a California Office of Administrative Hearings decision under the Individuals with Disabilities Education Act.
STANDARD OF REVIEW	Under 20 U.S.C. § 1415(i)(2)(C), the court receives the administrative record, may hear additional evidence at a party's request, and decides the matter based on a preponderance of the evidence. Admission of additional IDEA evidence is discretionary and must not transform review into a trial de novo; after-acquired evidence should be relevant, non-cumulative, and otherwise admissible.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

judicial review of agency action

evidence

hearsay

authentication

administrative law

PRACTICE AREAS

special education law

administrative law

evidence

QUESTIONS PRESENTED

1. Whether the District could supplement the IDEA administrative record with the subpoenaed email correspondence, attendance records, and Enrollment Agreement.
2. Whether the proposed supplemental evidence was authenticated and admissible under the Federal Rules of Evidence.
3. Whether the proposed evidence was relevant and non-cumulative.

HOLDINGS

1. A federal court reviewing an IDEA administrative decision may admit supplemental evidence when it is relevant, non-cumulative, and otherwise admissible, provided that supplementation does not change the proceeding from administrative review into a trial de novo.
2. The proposed records were self-authenticating because the District submitted a custodian declaration establishing the requirements for certified domestic records of regularly conducted activity.
3. The email correspondence, attendance records, and Enrollment Agreement were relevant, non-cumulative, and otherwise admissible for purposes of supplementing the administrative record.

KEY QUOTATIONS

“This form or standard of “judicial review in IDEA cases differs substantially from judicial review of other agency actions, in which courts generally are confined to the administrative record and are held to a highly deferential standard of review.”” (at 2)

“The determination of what is proper additional evidence is left to the discretion of the trial court, which must be careful not to allow such evidence to change the character of the hearing from one of review to a trial de novo.” (at 3)

“The Court finds that the proposed evidence is relevant, non-cumulative, and otherwise admissible.” (at 6)

FACTUAL BACKGROUND

The underlying IDEA dispute concerned R.T.'s educational placement at The Winston School, a certified nonpublic school, rather than at a comprehensive public high school operated by the District. After the OAH proceedings, the District subpoenaed Winston for records concerning R.T.'s attendance, enrollment, and education during multiple school years. The District sought to add email correspondence, attendance records, and a 2024–25 Enrollment Agreement to the administrative record.

PROCEDURAL HISTORY

R.T. filed an IDEA due-process request with the California Office of Administrative Hearings, which held a hearing and issued a decision awarding reimbursement and counseling services in part. R.T. then filed this federal action seeking reversal of the OAH decision. The District moved to supplement the administrative record with records obtained from a subpoena issued to The Winston School, and the court granted the motion after supplemental briefing concerning authentication and foundation.

DISPOSITION

other

CASES CITED

- Ojai Unified Sch. Dist. v. Jackson, 4 F.3d 1467, 1471-73 (9th Cir. 1993)
- E.M. ex rel. E.M. v. Pajaro Valley Unified Sch. Dist. Off. of Admin. Hearings, 652 F.3d 999, 1005-06 (9th Cir. 2011)
- Town of Burlington v. Dep't of Educ., 736 F.2d 773, 790-92 (1st Cir. 1984)
- In re Homestore.com, Inc. Sec. Litig., 347 F. Supp. 2d 769, 781 (C.D. Cal. 2004)
- Clark v. City of Los Angeles, 650 F.2d 1033 (9th Cir. 1981)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 SOUTHERN DISTRICT OF
CALIFORNIA 10 11 R.T. by and through his guardian ad litem, Case No.: 25-cv-1624-AJB-BJW
DAVID TSUKIYAMA, 12 ORDER GRANTING MOTION TO Plaintiff, 13 SUPPLEMENT
ADMINISTRATIVE v. RECORD 14 SAN DIEGO UNIFIED SCHOOL 15 DISTRICT, (Doc. No.
20) 16 Defendant. 17 18 SAN DIEGO UNIFIED SCHOOL 19 DISTRICT, 20 Counter Claimant,
21 v. 22 R.T. by and through his guardian ad litem, DAVID TSUKIYAMA, 23 Counter Defendant.

24 25 26 Before the Court is a motion to supplement the administrative record, filed by 27
Defendant and Counter Claimant San Diego Unified School District (the “District”). (Doc. 28 1
No. 20.) Minor Plaintiff R.T. (“Plaintiff”), by and through his guardian ad litem, David 2
Tsukiyama, opposed the motion (Doc. No. 22), and the District replied (Doc. No. 24).

3 On January 9, 2025, the Court issued an order requiring the District to file a 4 supplemental brief
addressing the foundation and authenticity of the additional evidence. 5 (Doc. No. 27.) The Order
permitted Plaintiff to file a response. (Id.) Pursuant to the Order, 6 the District filed its
supplemental brief on January 23, 2026. (Doc. No. 28.) Plaintiff 7 declined to file a response by
the January 30, 2026, deadline.

(See Doc. No. 27.) The Court 8 has read and considered the papers on the Motion and deems the
matter appropriate for 9 decision without oral argument. See CivLR 7.1.d.1. For the reasons
discussed below, the 10 motion is GRANTED. 11 I. BACKGROUND 12 Plaintiff filed the instant
action on June 25, 2025, seeking reversal of a decision from 13 the State of California’s Office of

Administrative Hearings (“OAH”), pursuant to the 14 Individuals with Disabilities Education Act (“IDEA”).

(Doc. No. 1.) On September 18, 15 2025, the District answered the complaint and filed a counter claim. (Doc. No. 4.) 16 On September 25, 2024, Plaintiff filed a Request for Due Process with the OAH. 17 (Doc. No. 1 ¶ 22.)

The due process hearing was held before an Administrative Law Judge 18 (“ALJ”) on January 28, 29, 30, and February 4, 5, 6, and 7, 2025. (Id. ¶ 24.) At the time of 19 the due process hearing, Plaintiff was 15-years-old and in the 10th grade at The Winston 20 School (“Winston”), a certified nonpublic school. (Id. ¶11; see Administrative Record 21 (“AR”) 878.)

The principal dispute at the OAH hearing was placement. (AR 879.) Parents 22 preferred Plaintiff to remain at Winston. (Id.) The District argued it could serve Plaintiff at 23 a comprehensive public high school within the district. (Id.) 24 On March 28, 2025, OAH rendered its decision. (AR 882.) OAH found that the 25 District should have offered direct mental health services rather than consultation 26 beginning November 28, 2023 through the end of the 2023–24 school year.

(AR 928–30.) 27 OAH also found that the District did not offer an appropriate transition plan from March 28 26, 2024, through the end of the 2023–24 school year. (Id.) OAH ordered the District to 1 reimburse Parents in the amount of \$5,025 for Plaintiff’s unilateral placement at Winston 2 and to provide ten hours of individual counseling services. (AR 931.)

OAH denied the 3 remainder of Plaintiff’s claims. (Id.) Subsequently, Plaintiff filed the instant action seeking 4 reversal of the March 28, 2025 OAH decision. (Doc. No. 1.) 5 On June 6, 2025, Plaintiff filed another request for a due process hearing (OAH Case 6 No. 2025060347) seeking reimbursement for Winston for the 2024–25 school year. (Doc. 7 No. 20 at 7.)

Related to this new request, the District issued a subpoena duces tecum on 8 Winston requesting records relevant to Student’s attendance, enrollment, and education 9 while privately placed during the 2023–24, 2024–25, and 2025–26 school years. (Id.) 10 Winston responded and provided the District with responsive documents. By way of the 11 instant motion, the District seeks to supplement the Administrative Record with evidence 12 it obtained from the Winston subpoena.

(Id.) 13 II. LEGAL STANDARD 14 When reviewing an administrative hearing decision under IDEA, statutory 15 guidelines provide that the court: 16 (i) shall receive the records of the administrative proceedings; (ii) shall hear additional evidence at the request of a party; and 17 (iii) basing its decision on the preponderance of the evidence, shall 18 grant such relief as the court determines is appropriate.

19 20 U.S.C. § 1415(i)(2)(C). This form or standard of “judicial review in IDEA cases differs 20 substantially from judicial review of other agency actions, in which courts generally are 21

confined to the administrative record and are held to a highly deferential standard of review.” *Ojai Unified Sch. Dist. v. Jackson*, 4 F.3d 1467, 1471 (9th Cir. 1993).

Pursuant to 23 IDEA, federal courts have “a continuing obligation to ensure that the state standards 24 themselves and as applied are not below the federal minimums... [which] persists despite 25 any state administrative rulings on federal law or state recodifications of federal law.” *E.M. 26 ex rel. E.M. v. Pajaro Valley Unified Sch. Dist. Off. of Admin. Hearings*, 652 F.3d 999, 27 1005 (9th Cir.

2011) (quoting *Town of Burlington v. Dep’t of Educ.*, 736 F.2d 773, 792 28 (1st Cir. 1984)). “The requirement that federal courts consider additional evidence when 1 evaluating state administrative rulings implements the intent that federal courts enforce the 2 minimum federal standards IDEA sets out.” *Pajaro Valley*, 652 F.3d at 1005. 3 In *Ojai*, the Ninth Circuit addressed the standard for the admission of additional 4 evidence by adopting the approach developed by the First Circuit in *Town of Burlington v. 5 Dep’t of Education*.

See *Ojai*, 4 F.3d at 1472–73 (citing *Town of Burlington*, 736 F.2d at 6 790–91). That standard construes “additional” to mean “supplemental.” *Ojai*, 4 F.3d at 7 1472–73 (citing *Town of Burlington*, 736 F.2d at 790–91). Although the reasons for 8 supplementing the record may vary, “they might include gaps in the administrative 9 transcript owing to mechanical failure, unavailability of a witness, an improper exclusion 10 of evidence by the administrative agency, and evidence concerning relevant events 11 occurring subsequent to the administrative hearing.” *Ojai*, 4 F.3d at 1473 (quoting *Town 12 of Burlington*, 736 F.2d at 790–91).

The determination of what is proper additional 13 evidence is left to the discretion of the trial court, which must be careful not to allow such 14 evidence to change the character of the hearing from one of review to a trial de novo. *Ojai*, 15 4 F.3d at 1473 (quoting *Town of Burlington*, 736 F.2d at 790–91).

In considering the 16 admission of after-acquired evidence, the Ninth Circuit has instructed that “[t]he proper 17 inquiry was whether the report was relevant, non-cumulative, and otherwise admissible.” 18 *Pajaro Valley*, 652 F.3d at 1006. 19 III. DISCUSSION 20 The District seeks to supplement the Administrative Record with three categories 21 of evidence: (1) email correspondence between Parent and Winston, (2) Plaintiff’s 22 attendance at Winston during the 2022–23 and 2023–24 school year, and (3) Plaintiff’s 23 Enrollment Agreement for his placement at Winston for the 2024–25 school year.

(Doc. 24 No. 20 at 3.) This District contends that all the evidence is relevant, non-cumulative, and 25 otherwise admissible. (*Id.*) Plaintiff opposes the motion to supplement arguing the evidence 26 is irrelevant, lacks foundation, and is impermissible hearsay. (Plaintiff Doc. No. 22-1.) 27 The

Court first addresses Plaintiff's concerns regarding the authenticity and foundation for the supplemental evidence.

The District filed a supplemental brief providing 1 additional documentation regarding the authenticity and foundation for the supplemental 2 evidence. Plaintiff did not file a supplemental brief addressing the District's additional 3 documentation. Through its supplemental briefing, the District has reconciled the 4 authentication issue. 5 Evidence is self-authenticating when it is a certified domestic record of a regularly 6 conducted activity and meets the hearsay exception requirements of Federal Rule of 7 Evidence ("FRE") 803(6)(A)-(C), as shown by a certification of the custodian.

Fed. R. 8 Evid. 902(11). The certification of the custodian must indicate that the record was made at 9 or near the time by someone with knowledge, the record was kept in the course of a 10 regularly conducted business activity, and making the record was a regular practice of that 11 activity. Fed. R. Evid. 803(6)(A)-(C). 12 Here, the District provides a declaration from the custodian of records for Winston, 13 Kim Kanetis.

(Doc. No. 28-1, Ex. A.) The declaration states that Ms. Kanetis is a "duly 14 authorized custodian of records for The Winston School of San Diego" with "authority to 15 certify records." (Id.) The declaration certifies the evidence as "true copies of all records 16 in [her] custody or control described in the subpoena or authorization." (Id.)

Because the 17 District has provided a declaration from Winston's custodian of records demonstrating that 18 the record was made at or near the time by someone with knowledge, the record was kept 19 in the course of a regularly conducted business activity, and making the record was a 20 regular practice of that activity, the Court finds the evidence self-authenticating.

See Fed. 21 R. Evid. 902; 803(6)(A)-(C). 22 The Court now turns to Plaintiff's remaining arguments—that the evidence is 23 irrelevant and impermissible hearsay. The District argues that the email correspondence 24 between Parent and Winston (Doc. No. 20-2, Exs. A–E), as well as the attendance records 25 (Doc. No. 20-2, Ex. F), demonstrate that Plaintiff was already experiencing significant 26 mental-health distress, infrequent attendance, and school-avoidance behaviors while still 27 enrolled at Winston.

(See Doc. No. 20-1 at 9.) The Court agrees this information could be 28 relevant to address the question of whether the District adequately addressed Plaintiff's 1 }needs. Moreover, the emails are non-hearsay as an admission of a party opponent under 2 || FRE 801(d). See *In re Homestore.com, Inc. Sec. Litig.*, 347 F. Supp. 2d 769, 781 (C.D. Cal. 3 || 2004) ("[E]mails written by a party are admissions of a party opponent and admissible as 4 ||non-hearsay.").

The attendance records are admissible as a business record under 5 || FRE 803(6). See *Clark v. City of Los Angeles*, 650 F.2d 1033 (9th Cir. 1981) (explaining 6 || the business record exception

to hearsay). 7 As to the Enrollment Agreement, the District argues it provides relevant context 8 ||regarding Parents' stated intentions and cooperation during the transition process, which 9 || lends to the feasibility and reasonableness of the District's attempts to facilitate Plaintiffs 10 transition back to a comprehensive campus.

The Court agrees. And as with the attendance 11 ||records, the agreement is admissible as a business record under FRE 803(6). 12 CONCLUSION 13 The Court finds that the proposed evidence is relevant, non-cumulative, and 14 || otherwise admissible.

The Court notes, though, that while it finds the evidence relevant, 15 merits of this litigation are not currently briefed before the Court. As such, the Court 16 || makes no finding as to the weight of Plaintiff's evidence. Instead, the Court holds only that 17 relevant, non-cumulative, and otherwise admissible.

Accordingly, the Court GRANTS 18 || Plaintiff's Motion to Supplement the Administrative Record with Exhibits A through G. 19 IT IS SO ORDERED. 20 || Dated: February 4, 2026 © 21 Hon, Anthony J.Battaglia 22 United States District Judge 23 24 25 26 27 28