

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PANAMA CITY DIVISION**

**A.L., by P.L.B. and P.L.B for herself,**

**Plaintiffs,**

**v.**

**CASE NO. 5:13-cv-85-RS-EMT**

**JACKSON COUNTY SCHOOL BOARD,**

**Defendant.**

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**ORDER**

The relief requested in Defendant’s Motion to Exclude Additional Evidence (Doc. 36) is **DENIED**. When a plaintiff brings a civil suit alleging an IDEA violation, the court “shall hear additional evidence at the request of a party.” 20 U.S.C. § 1415(i)(2)(A). The Eleventh Circuit has concluded that “[w]hile the IDEA instructs that a district court shall hear additional evidence at the request of a party, the determination of what is ‘additional’ evidence must be 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.” *A.K. v. Gwinnett Cnty. Sch. Dist.*, 2014 WL 563281, at \*3 (11th Cir. Feb. 14, 2014)(internal citations omitted)(quoting *Walker Cnty. Sch. Dist. v. Bennett ex. rel. Bennett*, 203 F.3d 1293, 1298 (11th Cir. 2000)). Defendant is asking this Court to

exclude additional evidence before Plaintiffs even requested to admit any. The Court will consider admitting additional evidence on a case-by-case basis as it is requested pursuant to 20 U.S.C § 1415(i)(2)(A).

**ORDERED** on March 17, 2014.

/s/ Richard Smoak  
**RICHARD SMOAK**  
**UNITED STATES DISTRICT JUDGE**