BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

WALNUT VALLEY UNIFIED SCHOOL DISTRICT,

and

PARENT ON BEHALF OF STUDENT,

OAH CASE NUMBER 2026031218

OAH CASE NUMBER 2026020438

ORDER DENYING MOTION TO COMPEL PRODUCTION OF RECORDS

APRIL 27, 2026

On April 14, 2026, Student filed a document entitled "PARENT'S REQUEST FOR LEAVE TO FILE LATE, NARROW MOTION FOR PRODUCTION OF OT DECISION-BASIS MATERIALS; OR, IN THE ALTERNATIVE, FOR RELIEF TO ENSURE A FAIR HEARING" with the Office of Administrative Hearings, called OAH. OAH interprets this motion as a motion to compel the production of records. Walnut Valley Unified School District did not respond to Student's motion.

In his motion, Student asserts that he has not been provided with copies of all educational records related to the March 25, 2024, occupational therapy assessment and

related to Walnut Valley's determination that Student no longer required occupational therapy services which occurred at the March 2024 individualized education program, called IEP, team meeting. This is not Student's first motion to compel these records. Student previously made such a request on February 23, 2026, which OAH denied at the March 23, 2026, prehearing conference, called a PHC. At that same PHC, Student requested OAH reconsider that denial, and OAH denied that request for reconsideration.

For the reasons explained below, Student's motion is denied.

STUDENT'S MOTION IS UNTIMELY

Per OAH's standing orders, as reflected in the scheduling orders for both Student's and Walnut Valley's cases, any prehearing motions must be filed at least three business days prior to the PHC, unless the party can establish good cause for the late filing. Parent has been provided with copies of these scheduling orders in Mandarin. Moreover, Student acknowledged this requirement in his motion and attempted to demonstrate good cause for his late filing.

Here, Student filed his motion the day after the PHC for the consolidated matter, which took place on April 13, 2026. Student asserts that good cause exists to consider his late motion, because he was not aware that other documents may exist until April 8, 2026, when Walnut Valley listed documents on its proposed exhibit list which Student did not previously receive in response to records requests and Walnut Valley has represented that it has provided Student will all educational records.

Student did not establish this series of events was good cause for his late filing. By Student's admission, he became aware of the possibility of additional records on April 8, 2026. Nevertheless, he did not file his motion between then and the April 13, 2026 PHC. Therefore, Student's motion is untimely and could be denied accordingly.

STUDENT'S MOTION HAS ALREADY BEEN DENIED AND RECONSIDERATION WAS ALSO DENIED

Even if OAH considered Student's unjustified untimely motion, Student did not establish his ability to bring another motion when OAH previously denied a similar motion.

As explained above, Student has already moved to compel Walnut Valley to produce the requested records. Student's previous motion was denied and his request for reconsideration was also denied. Student did not establish grounds for this further motion to compel documents in light of OAH's previous adverse rulings. This failure also justifies denial of Student's motion.

STUDENT DID NOT PROVE ADDITIONAL RESPONSIVE DOCUMENTS EXIST

Even considering Student's current, untimely motion, Student did not prove additional responsive educational records exist.

The Individuals with Disabilities in Education Act or IDEA, grants parents of a child with a disability the right to examine all relevant records relating to their child's "identification, evaluation and educational placement." (20 U.S.C. §1415(b)(1).) Each participating agency must permit parents to inspect and review any education records relating to their children that are collected, maintained, or used by the agency under this part. The agency must comply with a request without unnecessary delay and before any meeting regarding an individualized educational program, or any hearing, or resolution session, and in no case more than 45 days after the request has been made. (See 34 C.F.R. §300.613(a) (2006).)

The right to inspect and review education records under this section includes:

1. the right to a response from the participating agency to reasonable requests for explanations and interpretations of the records;
2. the right to request that the agency provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and
3. the right to have a representative of the parent inspect and review the records. (See 34 C.F.R. §300.613(b).)

In California, all parents have the right to receive copies of all school records within five business days after parents make a request. (Ed. Code, §56504.)

Student speculates that other documents may exist because of his interpretation of a discrepancy between what he believes he has been provided, and Walnut Valley's proposed evidence list. Student asserts that one of these records is the March 25, 2024, multidisciplinary assessment report in Mandarin. At this stage, it is unclear whether this multidisciplinary assessment report includes the occupational therapy assessment in question.

Nevertheless, the parties discussed this assessment report briefly during the PHC and the ALJ ordered Walnut Valley to provide Parent with a copy if it had not already done so. Walnut Valley indicated that it would do so. Additionally, the parties' deadline to upload documents to Case Center in preparation for hearing has passed, so Parent would also have access to that document through Case Center, had Walnut Valley uploaded it. Because the matter was continued to allow for OAH to provide Parent with Mandarin language interpreters at the due process hearing, Student has had additional time to review documents uploaded to Case Center.

Student's February 23, 2026, initial motion to compel acknowledged that Walnut Valley has provided a significant number of documents related to the March 2024 occupational therapy assessment and related IEP. The documents listed are the type that would be expected to be within a student's educational records. Student did not prove other documents exist, and conceded that his current request is made "to the extent such records exist…"

Student also requested that Walnut Valley either produce the records, identify when they were previously produced, or confirm that no such records exist. As requested, Student's motion calls for prehearing discovery that is not authorized under special education law. Rather, the IDEA provides parties with the right to present evidence and compel the attendance of witnesses at "a hearing conducted pursuant to subsection (f) or (k)" of section 1415 of title 20 of the United States Code. (20 U.S.C. § 1415(h).) California law provides similar rights but also excludes the right to prehearing discovery. (Ed. Code, § 56505, subd. (e).)

For the above reasons, Student's motion to compel is denied.

ORDER

1. Student's Motion to Compel is denied.

IT IS SO ORDERED.

Ashok Pathi

Ashok Pathi
Administrative Law Judge
Office of Administrative Hearings