BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. COMPTON UNIFIED SCHOOL DISTRICT.	OAH Case No. 2015010790 ORDER DENYING MOTION TO COMPEL PRODUCTION OF DOCUMENTS

On January 21, 2015, Parent on behalf of Student filed a Request for Due Process Hearing, naming Compton Unified School District and Los Angeles County Office of Education. Subsequently, Student and LACOE entered into a settlement agreement, resulting in LACOE being dismissed from the present action on April 7, 2015.

On April 27, 2015, District filed a motion to compel production of the settlement agreement between Student and LACOE. No opposition has been received. Neither the IDEA nor California law provides for prehearing discovery in a due process hearing. Rather, a party to a due process hearing has the right to present evidence and compel the attendance of witnesses at the hearing. (20 U.S.C. § 1415(h)(2); Ed. Code, § 56506,subd. (d)(2) and (3).) In special education hearings in California, hearing officers have the right to issue subpoenas (for witnesses to appear and give testimony) and subpoenas duces tecum (for production of documents upon a showing of reasonable necessity by a party). (Cal. Code of Regs., tit. 5, § 3082(c)(2).)

Accordingly, District's motion to compel production of the agreement is denied.

DATE: May 03, 2015

/s/

COLE DALTON
Administrative Law Judge
Office of Administrative Hearings