BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025080333

ORDER DENYING STUDENT'S MOTION TO COMPEL SUPPLEMENTAL DOCUMENT PRODUCTION

DECEMBER 31, 2025

On November 24, 2025, Student filed with the Office of Administrative Hearings, or OAH, a motion to compel discovery. On December 11, 2025, OAH denied Student's motion to compel on the ground that no right exists to prehearing discovery in due process proceedings under the IDEA beyond the exchange of evidence required five business days prior to hearing. Instead, OAH's Order characterized Student's request as a parental request for documents under the California Education Code and federal and state special education law.

On December 19, 2025, Student filed the present motion, which seeks to compel supplemental document production, on the ground that Los Angeles's production of

documents was materially incomplete. On December 24, 2025, Los Angeles objected to the motion on the grounds that prehearing discovery is not permitted in special education due process matters, and that it had already produced all applicable student records to Parent.

In general, there is no right to prehearing discovery in due process proceedings under the IDEA. (20 U.S.C. § 1400 et seq.) 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 provides a similar right to present evidence and compel the attendance of witnesses in due process proceedings (Ed. Code, § 56505, subd. (e)), but does not confer the right to prehearing discovery.

Education Code section 56505, subdivision (a), provides that the state hearing shall be conducted in accordance with regulations adopted by the board, and under that authority the Department of Education promulgated section 3082, subdivision (c)(2), of title 5 of the California Code of Regulations, which authorizes the issuance of subpoenas and subpoenas duces tecum. These regulations specifically disallow the provisions of the Administrative Procedures Act that provide broader authority for the use of subpoenas in other administrative hearings. (5 Cal. Code Regs., tit. 5, § 3089 [inapplicability of Govt. Code, §§ 11450.05-11450.30 to due process hearing procedures].)

Prehearing discovery is not permitted in special education due process matters, beyond the exchange of evidence required five business days prior to hearing. As such, Student's motion to compel supplemental document production is DENIED.

Nothing in this order shall prevent the parties from issuing subpoenas for the documents they seek, in preparation for hearing. Instructions may be found on OAH's website at:

https://www.dgs.ca.gov/OAH/Case-Types/Special-Education/Self-Help/Subpoenas

IT IS SO ORDERED.

Claire Yazigi

Claire Yazigi
Administrative Law Judge
Office of Administrative Hearings