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 MOTION TO COMPEL, DEEMING THE DISCOVERY REQUEST A PARENTAL REQUEST FOR EDUCATIONAL RECORDS, AND ORDERING LOS ANGELES TO TIMELY PROVIDE PARENT WITH A COPY OF STUDENT'S EDUCATIONAL RECORDS

DECEMBER 11, 2025

On August 8, 2025, Parent on behalf of Student filed a request for due process naming Los Angeles Unified School District, called Los Angeles. On November 20, 2025, a scheduling order was issued scheduling the case for hearing on January 6, through 8, 2026.

On November 24, 2025, Student filed a motion to compel discovery, supported by the sworn declaration of Parent and an undated copy of the request for production without a proof of service for the request. Student seeks an order compelling discovery from Los Angeles under Government Code, section11450.10.

On December 1, 2025, Los Angeles filed an opposition, contending that prehearing discovery is not permitted in special education due process matters, beyond the exchange of evidence required five business days prior to the hearing. (Ed. Code, § 56505, subd. (e)(7).)

On December 2, 2025, Student filed a reply, contending that, because his attorneys withdrew from the case, Student is entitled to prehearing discovery to prepare for hearing as a self-represented litigant. As authority, Student contends OAH may order prehearing discovery under its authority to take actions necessary for a full, fair, and informed hearing. (20 U.S.C. § 1415(f)(3)(A); Ed. Code, §§ 56501 and 56501.)

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].)

Parent already has a way of promptly obtaining Student's educational records, regardless of the date of exchange of documents for the due process hearing. A parent has the right to receive a copy of their child's educational records five business days after the request is made by the parent orally or in writing. (Ed. Code, § 56504, see also 34 C.F.R. § 300.562(a) [parents are permitted to inspect and review any education records relating to their children].) Student's request for production of documents is of no effect as prehearing discovery, but can, and by this Order does, constitute a parental request for a copy of Student's educational records.

Accordingly, Parent may seek to compel Los Angeles to provide a complete copy of Student's educational records if Los Angeles does not timely respond to Parent's request for educational records within five business days from the date of this Order. Los Angeles must produce educational records in accordance with federal and California special education law, which may or may not be the same as those records requested by Student in the request for production of documents.

If, and to the extent, Los Angeles has already responded to a request by Parent for educational records, Los Angeles must give Parent any educational records created and maintained after its last response to Parent.

ORDER

1. Student's motion to compel discovery is denied.
2. Student's request for production of documents is deemed to constitute a parental request for Student's educational records.
3. Los Angeles must provide Parent with a complete copy of Student's educational records within five business days of the date of this Order, pursuant to Education Code, section 56504.
4. If Los Angeles has already responded to an earlier request for Student's educational records, Los Angeles must give Parent any educational records created and maintained after the date of its last response.

Alexa Hohensee

Alexa Hohensee
Administrative Law Judge
Office of Administrative Hearings