BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

CASTRO VALLEY UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2026010414

ORDER DENYING PROTECTIVE ORDER PROHIBITING CROSS-EXAMINATION OF STUDENT

FEBRUARY 24, 2026

On January 14, 2026, Parent, on behalf of Student, filed a request for due process hearing, also called a complaint, with the Office of Administrative Hearings, called OAH, naming Castro Valley as respondent. On February 12. 2026, Student filed a motion for a protective order prohibiting cross-examination of Student when called as a witness during the hearing. On February 18, 2026, Castro Valley filed its opposition to Student's requested protective order.

The rights of participants in due process hearings involving special education disputes are protected by both the Individuals with Disabilities Education Act and California special education law. Those rights include the right to cross-examine all

witnesses called by an opposing party. (34 C.F.R. § 300.512 (a)(2); Ed. Code § 56505, subd. (e)(3).)

In his motion, Student requests the opportunity to "briefly demonstrate a specific math skill in a controlled, non-adversarial manner, solely to provide the tribunal with an accurate understanding of his abilities." Student requests that cross-examination be prohibited following this demonstration. Castro Valley asserts such a demonstration would not be testimony; but also contends the district must have the opportunity to cross-examine if Student presents such a demonstration.

Student's request for a blanket prohibition of cross-examination of Student is denied. The opportunity to cross-examine a witness regarding any testimony is a fundamental element of due process in all special education hearings. Nothing in this order prohibits Student from raising objections he deems meritorious to any individual examination questions posed during hearing. The Administrative Law Judge also called an ALJ, presiding over the hearing will rule on objections when they are stated.

Castro Valley's assertion that the demonstration described would not be testimony is premature and is not addressed in this order. Nothing prohibits Castro Valley from raising any objection to testimony it deems meritorious during the hearing.

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl
Administrative Law Judge
Office of Administrative Hearings