

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

FILLMORE UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026070131

ORDER DENYING MOTION TO COMPEL PRODUCTION OF

EDUCATIONAL RECORDS

SEPTEMBER 29, 2026

On July 24, 2026, Parents, on behalf of Student, filed a request for due process hearing, also called a complaint, with the Office of Administrative Hearings, called OAH, naming Fillmore Unified School District as respondent. On September 14, 2026, Student filed a motion to compel educational records and to sanction Fillmore by excluding all evidence if the records were not produced within 24 hours of the date of the order. On September 15, 2026, Fillmore opposed the motion to compel. On September 16, 2026 Student replied to Fillmore's opposition. On September 18, 2026 Fillmore responded to Student's reply. On September 25, 2026, the parties were given the opportunity to argue the motion at the prehearing conference.

In general, there is no right to prehearing discovery in administrative proceedings under the Individuals with Disabilities Education Act, also called the IDEA. (20 U.S.C. § 1400 et seq.) Both the IDEA and California special education law provide 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); Ed. Code, § 56505, subd. (e).) However, neither state nor federal law confer the right to prehearing discovery.

Parents may request the opportunity to review educational records regardless of whether a request for due process is pending. (Ed. Code § 56504; 34 C.F.R. § 300.613.) In California, all parents have the right to receive copies of school records within five business days after parents make a request. California Education Code § 56504 provides that “[t]he parent shall have the right and opportunity to examine all school records of his or her child, and to receive copies pursuant to this section ... within five business days after the request is made by the parent, either orally or in writing.”

An “education record” under IDEA is defined by the regulations implementing the Family Educational Rights and Privacy Act (“FERPA”). (34 C.F.R. § 300.611(b).) Under FERPA, an education record includes records, files, and documents that “(i) contain information directly related to a student; and (ii) are maintained by an educational agency or institution or by a person acting for such agency or institution.” (20 U.S.C. § 1232g(a)(4)(A).) The Supreme Court has interpreted the word “maintained” in FERPA as “to keep in existence or continuance; preserve; retain” and reasoned that “[t]he word ‘maintain’ suggests FERPA records will be kept in a filing cabinet in a records room at the school or on a permanent secure database.” (*Burnett v. San Mateo-Foster City Sch. Dist.* (9th Cir. 2018) 739 Fed. Appx. 870, 873, citing, *Owasso Indep. Sch. Dist. No I-011 v. Falvo*, (2002) 534 U.S. 426, 432-33, 122 S.Ct. 934, 151 L.Ed.2d 896.)

Education records do not include, "records of instructional, supervisory, and administrative personnel...which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute." (20 U.S.C. § 1232g(a)(4)(b)(i), see also Ed. Code, § 49061, subd. (b) [which excludes from the definition of "pupil records" any "informal notes related to a pupil...that remain in the sole possession of the maker and are not revealed to any other person except a substitute."].)

Student is entitled to receive copies of any documents, and a list of witnesses Fillmore intends to present at the due process hearing, at least five days before the hearing. (Ed. Code § 56505, subd. (e)(7).) Further, an issue in this matter is whether Fillmore provided Student with full and complete Student educational records.

Student's moving papers named a wide-range of educational records requested, including:

"Daily Sign-In/Sign-Out Rosters: All physical paper sign-in sheets or daily rosters for the Mountain Vista Elementary School health office where [Student's] name, student ID, or classroom appears. Playground/Classroom Injury and Accident Reports: All "Ouch Reports," incident forms, and first-aid records concerning [Student's] physical injuries, including his October 2025 facial scratches and any other physical playground incidents. Communications Regarding Physical Safety & Supervision: All internal emails, text messages, and SEIS logs between District Nurse Kayla Dunbar, classroom teacher Mr. Joseph Fry, Principal Emily Virani, and Director Katrina Tafoya concerning [Student's] physical safety, injuries, playground incidents, elopements, and peer "antagonism." Toileting and Hygiene Incident Logs: All daily assistance charts, logs, or reports, specifically concerning the February 27, 2026, incident where [Student] urinated on

himself in the classroom, which involved assistance from the school health clerk. Daily School Health Office/Nurse Logs: Any physical registers, health office visitor logs, or digital system entries (including Aeries and SEIS) documenting [Student's] visits—specifically the 6 health office visits for "playground injuries" and other reasons recorded in the October 16, 2025 reports." Student argues that the above documents requests are part of Student's educational records and must be produced. Fillmore argues it has produced all educational records to Student.

Student failed to establish a right to receive the broadly worded documents as part of an educational records request. Student failed to establish that the documents sought were educational records as defined by Education Code section 56504. Student did not present any evidence in its motion to compel, such as declarations, that demonstrated the above records are educational records.

To the extent that some or all of these records are included in Student's FAPE denial claim, determination of such requires a finding of fact better suited for a determination on the merits at a due process hearing.

Thus, Student's motion to compel Student's education records is denied.
Student's request for sanctions is denied.

IT IS SO ORDERED

A handwritten signature in cursive script that reads "Cynthia Fritz".

Cynthia Fritz

Administrative Law Judge

Office of Administrative Hearings