BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

MILL VALLEY SCHOOL DISTRICT.

OAH CASE NUMBER 2025040955

ORDER DENYING MOTION TO COMPEL NAMES OF AIDES AND PARAPROFESSIONALS WITHOUT PREJUDICE

JUNE 20, 2025

On April 21, 2025, Parents on behalf of Student filed a due process hearing request, called a complaint, with the Office of Administrative Hearings, naming Mill Valley School District. The Office of Administrative Hearings is called OAH.

On June 13, 2025, Student filed a motion to compel Mill Valley to provide Parents the full legal names of the aides and paraprofessionals who supported Student from August 2021, through June 2024. Student contends the names of the aides and paraprofessionals are necessary to subpoena them to provide testimony at hearing. Student's motion seeks production of their names no later than June 17, 2025.

On June 16, 2025, OAH granted Student's motion to amend the complaint. OAH scheduled the due process hearing on the amended complaint to begin on August 5, 2025.

On June 19, 2025, Mill Valley filed an opposition to the motion to compel. Mill Valley contends the motion seeks impermissible prehearing discovery, and fails to establish the relevance of the sought information to be compelled. On June 19. 2025, Student filed a reply. OAH received a second opposition by Mill Valley on June 19, 2025, which is identical to its first opposition.

A party to a due process hearing under the Individuals with Disabilities Education Act, called IDEA, has the right to present evidence and compel the attendance of witnesses in 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); see also Ed. Code, § 56505, subd. (e).) In California special education proceedings, the hearing officer shall have the right to issue subpoenas, which are orders to appear and give testimony, and subpoenas duces tecum, which are orders to produce documents or papers upon a showing of reasonable necessity by a party. (Cal. Code Regs., tit. 5, § 3082, subd. (c)(2).)

However, there is no right to prehearing discovery in due process proceedings under the IDEA. 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).) However, California special education laws do not confer the right to prehearing discovery.

Prehearing discovery in special education cases at the administrative hearing stage is limited. Parents or adult students are entitled to request copies of the educational records, relating to the student in question, that are maintained by the school district. (Ed. Code, § 56504; *Burnett v. San Mateo Foster City School District* (9th Cir. 2018) 739 Fed. Appx. 870, 873.) The parties are also entitled to disclosures of any evidence an opposing party plans to introduce at hearing five business days prior to the date of the first day of hearing. (Ed. Code, § 56505, subd. (e)(7).)

Student's motion to compel the names of the aides and paraprofessionals is premature, constitutes impermissible prehearing discovery, and is therefore, denied without prejudice. Student may renew this request at the prehearing conference, currently scheduled for July 28, 2025, at 3:00 PM. The administrative law judge will handle the exchange of witness information at the prehearing conference.

IT IS SO ORDERED.

Rommel P. Cruz

Rommel P. Cruz
Administrative Law Judge
Office of Administrative Hearings