BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

IRVINE UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026020950

ORDER GRANTING DISTRICT'S MOTION TO QUASH STUDENT'S REQUESTS FOR PRODUCTION OF DOCUMENTS

APRIL 2, 2026

On February 22, 2026, Parent on behalf of Student filed with the Office of Administrative Hearings, called OAH, a request for due process naming Irvine Unified School District, called Irvine. On February 24, 2026, OAH issued a scheduling order setting the hearing of this case for April 14, 15, and 16, 2026.

Student subsequently filed with OAH two document production requests directed to Irvine:

- Request For Production Of Documents Pursuant To California Government Code § 11507.6, served by Parent on Irvine's attorney via email on February 28, 2026.

- Supplemental Discovery Request No. 1, served by Parent on Irvine's attorney via email on March 2, 2026.

Each request stated it was made pursuant to Government Code section 11507.6. The requests asked Irvine to produce specified categories of documents characterized by Student as reasonably calculated to lead to admissible evidence relevant to Student's claims, within 15 business days from the date of service.

On March 4, 2026, Irvine filed a motion to quash the subpoenas on grounds that:

- The Individuals with Disabilities Education Act and California Education Code do not permit prehearing discovery in special education due process hearings; and

- California Government Code section 11507.6 does not apply to special education due process hearings conducted by OAH.

Student did not file an opposition to Irvine's motion to quash.

Government Code section 11507.6 is part of the California Administrative Procedure Act, called the APA. (Gov. Code, §§ 11340 to 11529; see Gov. Code, § 11370.) The APA's provisions are included in four Chapters that:

- Specify procedures to be used by State agencies to develop rules and regulations (Chapter 3.5, Sections 11340 to 11365);

- Provide for staffing, recordkeeping and reporting of OAH and its Medical Quality Hearing Panel (Chapter 4, Sections 11370 to 11385); and

- Set forth administrative adjudication procedures for evidentiary hearings conducted by State agencies, called adjudicative proceedings (Gov. Code, § 11405.20). These include both general provisions applicable to all proceedings governed by the APA (Chapter 4.5, Sections 11400 to 11475.70), and "formal hearing" provisions that a State agency additionally may be required to follow by statute. (Chapter 5, Sections 11500 to 11529).

The APA's administrative adjudication procedures are not mandatory for all State agency adjudicative proceedings. The governing procedure by which an agency conducts an adjudicative proceeding is determined by the statutes and regulations applicable to that proceeding. (Gov. Code, §§ 11415.10, subd. (a).) Although Chapter 4.5 applies to any decision by an agency for which an evidentiary hearing is required by federal or state Constitution or statute (Gov. Code, §§ 11410.10), its provisions are supplemental to any governing procedure determined by statute and regulations. (Gov. Code, §§ 11415.10, subd. (b).) Also, a federal or state statute or regulation applicable to a particular agency or decision prevails over a conflicting or inconsistent provision of Chapter 4.5. (Gov. Code, §§ 11415.20.) Chapter 5 applies to an agency only if the statutes relating to that agency so provide (Gov. Code, § 11501, subd. (a)), or by default to proceedings of State agencies created after June 1997 if no statutes relating to the proceeding provide otherwise. (Gov. Code, § 11501, subd. (b).)

The governing procedures of California special education due process proceedings are determined by statutes and implementing regulations from the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et. seq.), and State statutes

and regulations based on them. The latter are found in the California's Education Code, and implementing regulations adopted by the State Board of Education as authorized by Education Code section 56505, subdivision. (a). (See Ed. Code, §§ 56500.6 to 56509; Cal. Code Regs., tit. 5, §§ 3080 to 3089.)

The statutes do not require use of the formal hearing procedures of Chapter 5 of the APA. Thus, Chapter 5, including the discovery procedures of Government Code section 11507.6, does not apply to special education due process proceedings. Chapter 4.5 does apply, but the implementing regulations provide that special education due process hearing procedures are not subject to 35 specified sections of Chapter 4.5 (out of the total of 105 sections in the Chapter). (Cal. Code Regs., tit. 5, §3089.)

Information on how to obtain documents and testimony for a due process hearing is provided in OAH's Scheduling Order, including that issued in this case on February 24, 2024, and in OAH's online Self-Help Information for Special Education Cases, at . https://www.dgs.ca.gov/OAH/Case-Types/Special-Education/Self-Help. In general, pre-hearing 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 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 before the first day of hearing. (Ed. Code, 56505(e)(7).)

Parties also have the right to present evidence and compel the attendance of witnesses at the due process hearing. (20 U.S.C. § 1415(h); Ed. Code, § 56505, subd. (e)).) California Code of Regulations, title 5, section 3082, subdivision (c)(2), specifies the right of the parties in a special education hearing to compel the attendance of witnesses to

testify or produce documents at the hearing. That regulation states, "[t]he hearing officer shall have the right to issue Subpoenas (order to appear and give testimony) and Subpoenas Duces Tecum (order to produce document(s) or paper(s) upon a showing of reasonable necessity by a party)." Thus, subpoenas are available to require the production of information that is reasonably necessary for a party to present their case at hearing.

Here, Student requested prehearing production of documents based on a provision of the APA not applicable to special education due process proceedings. OAH special education proceedings are not subject to such prehearing discovery. Irvine's motion to quash Student's document production requests must be granted.

ORDER

Irvine's motion to quash Student's Request For Production Of Documents Pursuant To California Government Code § 11507.6, served by Parent on Irvine's attorney on February 28, 2026, and Supplemental Discovery Request No. 1, served by Parent on Irvine's attorney on March 2, 2026, is granted, and the two Requests for Production of Documents are hereby quashed.



Robert G. Martin
Administrative Law Judge
Office of Administrative Hearings