



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Special Education Hearings Division

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WITNESS SUBPOENA

IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK:

To (witness required to appear):

Name
Business, Organization, etc.
Address Line 1
Address Line 2
Email Address
Phone Number
Fax Number

RE:

Student Name
Case Number
Student Date of Birth
NYC ID/OSIS

YOU ARE HEREBY COMMANDED to appear at a due process hearing concerning the above-referenced student to be held on, at, and on all other subsequent dates.

For failure to appear, you will be deemed guilty of a violation of the Regulations of the Commissioner of Education of the State of New York, and subject to attendant penalties.

If you have questions or concerns about this subpoena, please first contact the person who sent this subpoena. If you cannot resolve your questions or concerns with the person who sent the subpoena, contact the Impartial Hearing Officer listed below.

Signature of Requestor
Name
Date

By order of the Impartial Hearing Officer
Signature
Impartial Hearing Officer
Date

INSTRUCTIONS

A “Witness Subpoena” (pronounced “Suh-Pea-Nuh”) is an order from the Impartial Hearing Officer requiring a person to testify (give information under oath) at the hearing. You have the right to request that individuals with information about the facts of your case attend the hearing and share the information they have. The other party might object to your subpoena, or the Impartial hearing Officer (IHO) may limit or deny your request to order the person to testify. These instructions explain how to fill out OATH’s “Witness Subpoena” form.

“TO” Section

On the first line, fill in the name of the person you want to testify at the hearing. Fill in the name of their business or organization (for example, “P.S. 13”). Fill in as much information about the person as you have on the lines that say mailing address, email address, phone number, and fax number.

“RE” Section

On the first line, fill in the student’s name. On the second line, fill in your case number. On the third line, fill in the student’s date of birth. On the fourth line, fill in the student’s ID number (also known as an OSIS number or NYC ID number).

“YOU ARE HEREBY COMMANDED” Section

In this section, fill in the three blanks. If you do not know the answers, leave them blank, and the IHO will help you.

- First, click on the down arrow next to “Choose an item”. Choose how you want the person to testify (by video conference, by telephone, or in person).
- Next, click on the blank area after the words “to be held on” to fill in the date of your hearing. A down arrow will appear. Click on the down arrow and a calendar will drop down. Click on the date of your hearing (the day when the witness will need to testify), and the date will automatically appear.
- Last, click on the arrow next to the words “Choose an item” to enter the time the person will need to testify. You will then see a list of times. Click on a time and it will automatically appear.

Signature Section

Sign your name on the line across from signature. To use a “digital signature,” click on the red tab next to “Signature of Requester” and follow the steps. If you wish, you can also print the document and sign it with a pen. Type or write your name clearly on the line across from “Name.” On the line across from “Date,” type or write the date you are filling out the form.

Send the Subpoena to the Impartial Hearing Officer and the other Party

Email or mail the subpoena to the Impartial Hearing Officer assigned to your case *and* to the representative or attorney on the other side of the case. The IHO will review the subpoena, find out if there are any objections from the other side, and then decide whether to approve, deny, or change your subpoena. If the IHO approves your subpoena, the IHO will send you back a signed copy.

Serving the Subpoena

After the IHO signs your subpoena, you must “serve” the subpoena on the person who will testify. You can do this by sending the signed subpoena to them by mail, email, or in person. If you are a Parent requesting that a DOE employee testify, you can send the signed subpoena to the DOE attorney or DOE representative and ask them to serve (send) the subpoena.