BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

OAKLAND UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025090500

ORDER GRANTING IN PART AND DENYING IN PART OAKLAND'S MOTION TO QUASH SUBPOENA

FEBRUARY 16, 2026

On November 25, 2025, the Office of Administrative Hearings, or OAH, granted amendment of Student's complaint.

Student issued two separate subpoena duces tecum on Oakland Unified School District: one on Janaury 26, 2026, and another on February 4, 2026. On February 10, 2026, Oakland filed a motion to quash both subpoenas duces tecum. On February 13, 2026, Student filed a response to Oakland's motion to quash the subpoenas duces tecum.

A party to a due process hearing under the Individuals with Disabilities Education Act 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 special education proceedings in California, "[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)." (Cal. Code Regs., tit. 5, § 3082, subd. (c)(2).) This requirement mirrors that required by Code of Civil Procedure section 1985, subdivision (b), which requires:

> A copy of an affidavit shall be served with a subpoena duces tecum . . ., showing good cause for the production of the matters and things described in the subpoena, specifying the exact matters or things desired to be produced, setting forth in full detail the materiality thereof to the issues involved in the case, and stating that the witness has the desired matters or things in his or her possession or under his or her control.

The good cause requirement is met by a factual showing of why the requested documents or things are material and relevant to the litigated issues. (*Johnson v. Superior Court* (1968) 258 Cal. App.2d 829, 835-836; see also *Seven Up Bottling Company v. Superior Court* (1951) Cal. App.2d 71, 77.)

Special education law does not specifically address motions to quash subpoenas or subpoenas duces tecum. In ruling on such motions, OAH relies by analogy on the relevant portions of the Code of Civil Procedure. Code of Civil Procedure section 1987.1, provides that a court may make an order quashing a subpoena entirely, modifying it, or directing compliance with it upon such terms or conditions as the court shall declare, including protective orders.

THE JANUARY 26, 2026, SUBPOENA

The January 26, 2026, subpoena made four requests. Student has since retracted requests three and four. Two requests remain.

The first request is for writings, emails, and correspondence "from August 1, 2023, through the present" by Oakland employees or representatives relating to:

- Educational concerns regarding Student;
- Social concerns regarding Student;
- Student's educational progress;
- Student's elopements and meltdowns;
- Student's toileting needs, support, and accidents;
- Parent or grandmother presence at school;
- School calls to Parents to provide support help with or pickup of Student; and
- Student's assessments, IEPs, and IEP team meetings.

Oakland objects to this request on the grounds that Student did not make the requisite showing of reasonable necessity for the requested documents with a statement of facts showing the material and relevant information sought. (*Johnson v. Superior Court* (1968) 258 Cal. App.2d 829, 835-836; see also *Seven Up Bottling Company v. Superior Court* (1951) Cal. App.2d 71, 77.)

Oakland's objection is not persuasive. Each category of documents listed above bears on one or more issues set for hearing, and are reasonably necessary to prove Student's claims.

Oakland also objects that the request is overbroad, and thus overly burdensome. Oakland points out that such communications could include communications from former employees or contractors no longer with the district. This objection is not persuasive. Communications made during the statutory period are relevant to proving Student's claims.

However, Student did not establish the need for responsive documents that were created after the close of the statutory period. Student's request is therefore limited to responsive documents from August 1, 2023, through November 25, 2025.

The second request is for documents "from August 1, 2023, through to the present":

- Showing names, dates, and credential status of classroom substitutes when they substituted in Student's classroom;
- Contact information for such individuals if they are not Oakland employees;
- All individuals who served as a substitute teacher in Student's kindergarten-second grade mild/moderate special day class at Global Families Elementary School.

Oakland objects to this request on the grounds that Student failed to establish reasonable necessity for the documents sought. Student's complaint alleges Oakland

failed to implement its offer of specialized academic instruction by qualified special education teachers. These documents are reasonably necessary to prove that allegation.

However, Student did not establish the need for responsive documents that were created after the close of the statutory period. Student's request is therefore limited to responsive documents from August 1, 2023, through November 25, 2025.

Oakland also objects to this request on the grounds that it is an interrogatory and not a production request. This objection is not persuasive, as the subpoena does not require Oakland to draft responses or create new documents not already in its possession.

THE FEBRUARY 4, 2026, SUBPOENA

The February 4, 2026, subpoena makes two requests.

The first request is for a copy of all sign in and sign out logs used at Global Families Elementary School when students including Student are/were brought in for late entry and taken out for early departure from school during the 2023-2024 school year and the 2024-2025 school year. The second request is for a copy of all sign in and sign out logs used at Global Families Elementary School when parents including Student's parents visited school during the 2023-2024 school year and the 2024-2025, school year.

Oakland objects that Student failed to establish reasonable necessity for the records. Student alleges Oakland failed to go through the IEP process when it shortened Student's school day and instruction time. Student also alleges Oakland failed to offer services and supports, thereby necessitating parental assistance during

the school day. The records requested, subject to the limitations below, are reasonably necessary to enable Student to prove the allegations in his complaint.

Oakland also objects to these requests as overbroad and unduly burdensome. Specifically, Oakland argues that because the request seeks logs over two school years, it would require Oakland to review hundreds of pages and make significant redactions to protect the information of other students and families. Oakland's objection is not persuasive.

Student represents that such documents could not be obtained by a student records request, thus making subpoena necessary. However, Student did not establish the need for documents regarding other students. Student's request is therefore limited to responsive documents pertaining to Student.

ORDER

1. Oakland's motion to quash Student's subpoenas is granted in part and the subpoenas are hereby modified. Oakland shall not be required to produce documents made after November 25, 2025. Oakland shall only produce documents pertaining to Student or Student's parents insofar as they relate to Student and no other student. For the first request as listed in the January 26, 2026, subpoena, Oakland shall only produce documents pertaining to Student or Student's parents or grandmother insofar as they relate to Student and no other student.
2. Oakland shall upload all responsive documents, separated by request number, into Case Center at 9:30 a.m. on February 24, 2026.

3. Counsel for Oakland shall immediately serve a copy of this order on the school district and the school site from which documents would be found as well.

IT IS SO ORDERED.

Claire Yazigi

Claire Yazigi
Administrative Law Judge
Office of Administrative Hearings