BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

CAMPBELL UNION SCHOOL DISTRICT.

OAH CASE NUMBER 2025090851

ORDER GRANTING MOTION TO QUASH SUBPOENA

OCTOBER 16, 2025

On September 23, 2025, Student filed a request for due process hearing stating both expedited and non-expedited claims and naming Campbell Union School District. On September 24, 2025, a scheduling order was issued scheduling the case for expedited hearing on October 21, 22, and 23, 2025, and for hearing on the non-expedited issues on November 13, 2025.

On October 10, 2025, Student issued a subpoena duces tecum on Campbell Union. The subpoena to Campbell Union sought production on the first day of the expedited hearing of:

1. All teacher, administrator, and staff notes related to Student dated August 1, 2025 to present that had not already been produced to Student's attorney in September 2025; and
2. Any and all communications between Campbell Union School District staff and/or the Campbell Union School District Governing Board regarding the August 26, 2025 incident involving Student and subsequent discipline, interim services, and manifestation determination related to the August 26, 2025, including but not limited to communications between District administrators, the Superintendent, members of the Governing Board, and/or Rolling Hills Middle School staff.

On October 10, 2025, Campbell Union filed a motion to quash the subpoena duces tecum on the grounds that Student failed to establish reasonable necessity for the documents requested. Campbell Union argues Student failed to provide any facts showing that the requested "notes" or "any and all communication" between school district staff and the Governing Board regarding the August 26, 2025 incident are likely to contain any information bearing on whether Campbell Union predetermined the manifestation determination or interim alternative educational setting. Campbell Union contends the mere possibility that such communications might exist and might reference Student does not constitute a specific showing that the requested documents are reasonably necessary for the requesting party to present a case at hearing.

Campbell Union additionally argues the subpoena duces tecum is overly broad and unduly burdensome. (See *Facebook, Inc. v. Superior Court of San Diego County* (2020) 10 Cal.5th 329, 347, citing *City of Alhambra v. Superior Court* (1988) 205 Cal.App.3d 1118, 1134, modified (Dec. 1, 1988).) Campbell Union asserts the subpoena duces tecum regarding the first category imposes no limitation as to staff

role, relevance to the August 26, 2025 incident, or specific subject matter and complying with the subpoena duces tecum would require Campbell Union to collect and review every note referencing Student across multiple staff members and departments for over more than two months, regardless of whether such notes bear any connection to the manifestation determination, interim alternative educational setting, or disciplinary decisions at issue. Campbell Union argues the subpoena duces tecum regarding the second category:

- contains no limitation on the type of communication, whether it is written, electronic, or informal;
- includes communications among an expansive list of individuals, many of whom had no role in the manifestation determination or interim alternative educational setting decisionmaking process;
- by the phrase "any and all communications … including but not limited to" is effectively boundless and would encompass countless messages, emails, and notes likely unrelated to the specific issues for hearing; and
- as drafted could also require Campbell Union to search communications of former employees, contractors, and other personnel who may no longer be employed by the school district.

During the expedited prehearing conference with the undersigned Administrative Law Judge on October 13, 2025, Student requested three business days after Campbell Union filed its motion, until October 15, 2025, by 5:00 PM, to file a written response. The Administrative Law Judge described the topics Student should addressed in the response and agreed to defer ruling on the motion to afford Student time to file a written response. Student failed to file any response.

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, the Office of Administrative Hearings, referred to as 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.

Campbell Union argues that the subpoena duces tecum should be quashed because it fails to 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.)

Student's declaration in support of the subpoena states the subpoenaed "records are relevant and necessary to Student proving that the District predetermined the [manifestation determination] and therefore failed to convene a procedurally and substantively valid [manifestation determination], and that the District predetermined the [interim alternative educational setting]. [¶] Accordingly, Student requests production of all documents as requested above. This information is critical for Student to be able to prepare her case as Student has demonstrated reasonable necessity and is entitled to such information pursuant to 5 C.C.R. § 3082."

Student's declaration fails to establish that the subpoenaed documents are reasonably necessary to prove her expedited claims. The issues of Student's expedited claims do address Student's contentions that Campbell Union failed to consider all relevant information related to determining whether her conduct was a manifestation of her disability, to consider any unique circumstances regarding changing her placement after she violated the student code of conduct, and predetermined the outcome of the manifestation determination and the interim alternative educational setting Student would attend. But Student only requests training for Campbell Union staff as the remedy for these asserted procedural violations. The gravamen of Student's expedited claims are the substantive issues of whether Campbell Union incorrectly determined that

Student's conduct on August 26, 2025, was not a manifestation of her disability or disabilities, and placed Student in an inappropriate interim alternative educational setting starting September 11, 2025. For these claims, Student seeks a declaration that her conduct was a manifestation of her disability or disabilities and an order directing Campbell Union to return Student to her placement at Rolling Hills Middle School. If there were no records meeting the description of those subpoenaed, Student would still through testimony have the opportunity to prove her expedited issues and obtain the substantive relief she seeks of having the manifestation determination reversed and being returned to her prior placement, as well as obtaining an order requiring staff training.

The declaration in the subpoena duces tecum failed to establish reasonable necessity for production of the records requested.

Campbell Union contends that the subpoena is overly broad and unduly burdensome. Student filed no opposition to Campbell Union's motion and failed at the prehearing conference to address the breadth of people whose communications were sought. Student waived any opposition on these grounds.

Campbell Union's motion to quash Student's October 10, 2025 subpoena duces tecum to Campbell Union is granted.

IT IS SO ORDERED.

Kara Hatfield

Kara Hatfield
Administrative Law Judge
Office of Administrative Hearings