BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

STOCKTON UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025121086

ORDER GRANTING MOTION TO QUASH SUBPOENA

FEBRUARY 18, 2026

On February 12, 2026, Stockton Unified School District, called Stockton Unified, filed a motion to quash the February 10, 2026, subpoena duces tecum directed at Stockton Unified staff member Dr. Jose Avila for production on February 18, 2026.. Stockton Unified maintains the subpoena duces tecum must be quashed because it failed to show reasonable necessity, it is untimely, vague, and overbroad.

APPLICABLE LAW

A party to a due process hearing under the Individuals with Disabilities in 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, 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.

STUDENT FAILED TO DEMONSTRATE REASONABLE NECESSITY FOR THE RECORDS

Stockton Unified 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.

On February 10, 2025, Student requested service provider logs, assessment manuals, publisher instructions, score sheets, best practices for administration of assessments, name and location of any deaf or hard of hearing classrooms and/or programs in the school district, and any communications between the school district staff and parent relating to provision or attendance in special education services and classrooms. Student included a declaration of reasonable necessity from Crystal Reyes Bravo that states "The records and other things required by this subpoena are reasonably necessary for the proper presentation of this case." This is the language included on the form subpoena.

Student did not include any additional declaration for reasonable necessity beyond the sentence quoted above. Student did not provide any facts or description of materiality related to the documents sought. Student did not provide any information, facts, or description of the relevancy of these documents sought. Student did not provide any explanation beyond the one sentence described above. Student's declaration failed to establish that documents subpoenaed are material and relevant.

Thus, Stockton Unified's request to quash the subpoena duces tecum of Dr. Jose Avila is granted for failing to establish reasonable necessity of the requested documents.

Because of this, no further analysis will be made regarding the timeliness and scope of the subpoena duces tecum.

IT IS SO ORDERED.

Cynthia Fritz

Cynthia Fritz
Administrative Law Judge
Office of Administrative Hearings