BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

SAN DIEGO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025060347

ORDER GRANTING IN PART MOTION TO QUASH AND MODIFYING SUBPOENA DUCES TECUM

NOVEMBER 21, 2025

On June 6, 2025, Student filed a request for due process naming San Diego Unified School District. Following that time, OAH granted continuances in this matter, with the due process hearing currently scheduled to begin on November 25, 2025.

On November 12, 2025, Student issued a subpoena duces tecum on Angelia Watkins, a staff member of San Diego. Student included a notice to consumer regarding the records he sought from San Diego. The subpoena to Watkins sought the following five categories:

1. E-mail correspondence, whether on paper or stored electronically, dated between May 8, 2024, through June 6, 2025, between San Diego school-

site staff and/or San Diego administration referring to or regarding Student or Parents, by names, initials, assumed name, moniker, or identification number.

2. San Diego district instructions/policies to IEP teams regarding meetings to revise IEPs following an order from the Office of Administrative Hearings in the form of any and all San Diego district policies or administrative procedures guiding IEP teams following an OAH order that found the IEP to be inappropriate, specifically from March 28, 2025, through June 6, 2025.
3. San Diego district instructions/policies to IEP teams regarding placement of students in Non-Public Schools in the form of any and all San Diego district policies or administrative procedures guiding the placement of students in such programs, specifically from May 8, 2024, through June 6, 2025.
4. San Diego district instructions/policies to IEP teams regarding offers of FAPE made to Parentally Placed Private School Students in the form of any and all San Diego district policies or administrative procedures guiding the development of offers of FAPE for such students, specifically from May 8, 2024, through June 6, 2025.
5. Internal communications in the form of internal memoranda, meeting notes, or messages (including but not limited to those maintained in digital platforms such as Outlook, Google Workspace, or internal communications systems) created by Student's case managers and special education staff regarding Student's mental health needs, school refusal behaviors, social skills, and executive functioning needs, specifically from May 8, 2024, through June 6, 2025, referring to or regarding Student or

Parents, by names, initials, assumed name, moniker, or identification number.

Student has numbered these categories differently in his subpoena, but each category will be discussed as category one through five as described above.

OAH convened a prehearing conference, called a PHC, on November 17, 2025. During that PHC, San Diego indicated that it would be filing a motion to quash Student's November 12, 2025 subpoena. Following the November 17, 2025 PHC, OAH issued an order that clarified Student's issues as discussed during the PHC.

On November 17, 2025, San Diego filed a motion to quash the subpoena on the grounds that Student failed to establish reasonable necessity for the records, the subpoena was overly broad, and that the requested records are not relevant to Student's issues. San Diego established good cause for the late filing of the motion to quash, based on the timing of Student's subpoena being issued less than three business days prior to the PHC.

On November 19, 2025, Student opposed the motion arguing that Student established reasonable necessity for the records, the subpoena was not overly broad, and the requested records are relevant to Student's issues.

On November 20, 2025, Student filed a motion withdrawing significant portions of his issues without prejudice. Student's remaining issues relate to San Diego's alleged failure to offer appropriate mental health services, accommodations, and modifications, and a failure to offer an appropriate transition plan to transition Student from a nonpublic school to a comprehensive campus, which denied Student a FAPE during the 2024-2025 school year.

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).)

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.

REASONABLE NECESSITY FOR THE RECORDS AND SCOPE OF REQUEST

San Diego 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. (Cal. Code Regs., tit. 5, § 3082, subd. (c)(2).) San Diego also argues that the requests are overly broad. San Diego contends the requested records are not material to the issues to be adjudicated and that Student has not established a link between the policy documents he seeks and the issues in the complaint.

Student's declaration in support of the subpoena states that the records sought are material to determining what San Diego staff knew regarding Student's educational needs during the relevant timeframe. Student also states that the school district policy documents sought are material to evaluating San Diego's offers of FAPE during the relevant timeframe.

Student's declaration establishes that some of the documents subpoenaed are material and relevant. Specifically, emails and other electronic communications pursuant to categories numbered one and five above, as they relate specifically to Student's mental health needs, and need for a plan to transition him from a nonpublic school to a comprehensive school site. With Student's limiting of his issues, documents under categories one and five related to any other needs, such as social skills or executive functioning, are not material to Student's remaining issues.

The documents related to Student's mental health needs are material to determining what San Diego staff knew regarding Student's mental health needs during the 2024-2025 school year. (*L.J. by & through Hudson v. Pittsburg Unified Sch. Dist.*, (9th Cir. 2017) 850 F.3d 996, 1004; *Adams v. State of Oregon*, (9th Cir. 1999) 195 F.3d 1141, 1149.)

Student did not establish the remaining documents sought under categories one and five are reasonably necessary for the adjudication of this matter. Accordingly, categories one and five are modified as described above, and are otherwise quashed. (Code of Civ. Proc., § 1987.1.) Further, San Diego is not required to produce any documents it previously provided Student, such as through emails to Parents, or in response to Student's previous subpoenas in OAH Case #2024090930.

Per his declaration, category two of Student's subpoena relates entirely to Student's issue regarding San Diego's alleged failure to convene IEP team meetings when necessary during the 2024-2025 school year. Student has withdrawn that issue in its entirety. Therefore, those documents are not material to the remaining issues. Accordingly, category two of Student's subpoena is quashed. (Code of Civ. Proc., § 1987.1.)

Per his declaration, category three of Student's subpoena relates entirely to Student's issue regarding San Diego's alleged failure to offer Student an appropriate placement during the 2024-2025 school year. Student has withdrawn that issue in its entirety. Therefore, those documents are not material to the remaining issues. Accordingly, category three of Student's subpoena is quashed. (Code of Civ. Proc., § 1987.1.)

Category four of Student's subpoena seeks policy documents related to offers of FAPE made to Parentally Placed Private School Students. Student asserts in his declaration that, "[t]he policies or instructions will help determine whether [San Diego] and IEP team acted appropriately when developing Student's IEP. It is also directly material to whether [San Diego] should have developed a transition plan for Student."

Student's declaration does not establish the requested documents are material to the adjudication of Student's remaining issues. Any policy responsive documents, if they exist, and the level of adherence to a school district's internal policy are not determinative of whether San Diego met their obligations under special education law. Therefore, Student has not established that the documents sought pursuant to category four are reasonably necessary to the adjudication of Student's remaining issues. Accordingly, category four of Student's subpoena is quashed. (Code of Civ. Proc., § 1987.1.)

ORDER

1. San Diego's motion to quash Student's subpoena is granted in part and the subpoena is hereby modified. Angelia Watkins shall produce documents responsive to categories one and five of Student's subpoena deuces tecum, as described above, as they relate to Student's mental health needs and Student's need for a plan to transition him from a nonpublic school to a comprehensive school site. Ms. Watkins is not required to produce any documents San Diego previously provided Student, such as through emails to Parents, or in response to Student's previous subpoenas in OAH Case 2024090930. These documents shall be produced to the Administrative Law Judge through Case Center no later than 9:30 am on November 25, 2025.
2. The remaining portions of Student's subpoena duces tecum are quashed.
3. Counsel for Student shall immediately serve a copy of this order on Angelia Watkins and shall copy San Diego's counsel on that communication.

IT IS SO ORDERED.

Ashok Pathi

Ashok Pathi
Administrative Law Judge
Office of Administrative Hearings