BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

CENTRAL UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025040864

# ORDER DENYING MOTION TO QUASH SUBPOENA

AUGUST 07, 2025

On April 18, 2025, Student filed a request for due process naming Central Unified School District. On June 25, 2025, the Office of Administrative Hearings, called OAH, granted Student's request to amend the complaint. On June 27, 2025, OAH issued a scheduling order setting the due process hearing for August 12, through 14, 2025.

On July 30, 2025, Student issued a subpoena duces tecum on Central Unified School District. It sought all communication related to Student's response to intervention program, education concerns, educational progress, assessments, and individualized education program, called IEP, eligibility decisions, from August 1, 2023, to the present.

On July 31, 2025, Central Unified School District filed a motion to quash the subpoenas on the grounds that Student did not claim reasonable necessity for the documents, the request was overly broad, and burdensome.

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 title 20 United States Code section 1415, subsection (f) or (k). (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 documents 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.

## STUDENT SHOWED REASONABLE NECESSITY FOR THE RECORDS

Central Unified School District 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.

Student's declaration in support of the subpoena states the requested student records are reasonably necessary to present evidence in its case. Student is not seeking typical student records or records that Central Unified School District already provided to Parents.

The documents which Student subpoenaed are material, relevant, and reasonably necessary to establish facts regarding Issue 3b in the August 4, 2025, Order Following Prehearing Conference, which alleges Central Unified School District denied meaningful parental participation by failing to provide response to intervention data during the IEP process.

## SCOPE OF THE SUBPOENA IS NOT OVERLY BROAD

Central Unified School District contends that the subpoena is overly broad as the subpoena requests documents between all its employees and representatives, and because it does not define the term "response to intervention."

The term "response to intervention" in Student's subpoena is part of an assessment process which determines if a student responds to scientific, research-based intervention, and relevant to whether the student may have a specific learning disability, referenced in Education Code section 56337, subdivision (c). Student's first amended due process complaint defines the term on page 3, paragraph 11, and further references the response to intervention services Student received from Central Unified School District during the 2023-2024 and 2024-2025 school years. The request is not overly broad as it encompasses the time frame set forth in the due process complaint and is relevant to Issue 3(b) in the August 4, 2025, Order Following Prehearing Conference. No further definition is required as the complaint and the subpoena duces tecum sufficiently put Central Unified School District on notice of the meaning of "response to intervention."

## ORDER

1. Central Unified School District's motion to quash Student's subpoena to produce Student's records is denied.
2. Central Unified School District shall provide all communication related to Student's response to intervention program, education concerns, educational progress, assessments, and IEP eligibility decisions, from August 1, 2023, through the amended complaint's filing date on June 25, 2025.

3. Central Unified School District must produce the records to the Administrative Law Judge on the first day of the hearing.

IT IS SO ORDERED

*Deborah Myers Cregar*

Deborah Myers-Cregar

Administrative Law Judge

Office of Administrative Hearings