BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

PACIFICA SCHOOL DISTRICT.

OAH CASE NUMBER 2025080669

ORDER GRANTING MOTIONS TO QUASH SUBPOENAS TO ASHLEY KOEDEL AND ANNA CENCIOSO

NOVEMBER 14, 2025

On August 18, 2025, Parents on behalf of Student filed with the Office of Administrative Hearings, called OAH, a request for a due process hearing naming Pacifica School District, called Pacifica. On October 17, 2025, OAH granted Pacifica's motion to continue, scheduling the hearing to begin November 13, 2025.

On November 7, 2025, Pacifica issued subpoenas duces tecum on Ashley Koedel and Anna Cencioso. On November 4, 2025, Pacifica mailed notices to consumer to Student advising Student of the subpoenas directed to Ashley Koedel and Anna Cencioso. Copies of the subpoenas were sent to Student with the notice to consumer.

The subpoena to Ashley Koedel sought production of the following documents on November 20, 2025:

- Assessment reports and/or testing protocols;
- Notes, summaries, logs, reports, data, or other documents relating to known clinical or private intervention or recommendations for intervention, including speech and language therapy and/or occupational therapy and/or emotional or mental health related services and interventions;
- Records reflecting the date, time and amount of known assessments provided to and observations of Student;
- Written communications and correspondences with Parents regarding Student's school performance and/or need for assessments;
- Educational/school records reviewed by and/or provided to the subpoenaed party by Parents or Parents' counsel/advocate; and
- Written communications and correspondence with any personnel of Morrisey Compton to inquire about and/or provide to, or obtain information about, Student's educational needs or performance or needs during said school years.

The subpoena to Anna Cencioso sought production of the following documents on November 20, 2025:

- Report cards and/or progress reports;
- Test scores;

- Assessment reports and/or testing protocols;
- Notes, summaries, or other documents relating to diagnoses;
- Notes, summaries, logs, reports, data, or other documents relating to intervention, including assistive technology services;
- Notes, summaries, logs, reports, data, or other documents relating to intervention, including academic interventions for math/reading/written language, as well as mental/social emotional behavior interventions;
- Notes, summaries, logs, reports, data, or other documents relating to intervention, including interventions for specific learning disabilities;
- Notes, summaries, service logs, reports, data or other documents regarding Touchstone Learning personnel/staff working directly with Student;
- Records reflecting the date, time and amount of known services provided to Student;
- Communications between or including Touchstone Learning staff regarding Student's academics, mental health, social-emotional functioning, social interactions, and/or educational needs; and
- Contract for Student's enrollment at Touchstone Learning.

On November 7, 2025, Student filed a motion to quash the subpoena to Ashley Koedel on the grounds that it was not timely because it failed to give Koedel sufficient time to locate and produce the requested records. On November 12, 2025, Pacifica opposed the motion arguing it timely served the subpoena on Koedel.

On November 10, 2025, Student filed a motion to quash the subpoena to Anna Cencioso on the grounds that it was not timely because it failed to give Cencioso sufficient time to locate and produce the requested records. On November 12, 2025, Pacifica opposed the motion arguing it timely served the subpoena on Cencioso.

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.

California Code of Civil Procedure section 1985.3, subdivision (d), states that service of a subpoena dues tecum must be made "in sufficient time to allow the witness reasonable time to locate and produce the records or copies thereof." Code of Civil Procedure section 2020.410, subdivision (c) defines sufficient time as "no earlier than 20 days of the issuance, or 15 days after the service" of the subpoena, whichever is later.

Under these two code sections, Pacifica has not provided Koedel and Cencioso with sufficient time to respond to the subpoenas. Pacifica's subpoenas duces tecum instruct Koedel and Cencioso to produce copies of the requested documents by uploading the documents to Case Center on November 20, 2025, the fourth scheduled day of the due process hearing. November 20, 2025, is 13 days after the subpoenas

were served on November 7, 2025. As such, Pacifica's subpoenas duces tecum to Koedel and Cencioso were not timely.

ORDER

1. Student's motion to quash Pacifica's subpoena duces tecum to Ashley Koedel is granted.
2. Student's motion to quash Pacifica's subpoena duces tecum to Anna Cencioso is granted.

Cararea Lucier

Cararea Lucier
Administrative Law Judge
Office of Administrative Hearings