BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT.

OAH CASE NUMBER 2025070775

ORDER DENYING MOTION TO QUASH SUBPOENA AND MODIFYING RETURN DATE

NOVEMBER 17, 2025

On July 17, 2025, Student filed a request for due process naming Chula Vista Elementary School District. On August 19, 2025, a continuance re-scheduled the case for hearing on November 18, 19 and 2025.

On October 31, 2025, Student issued a subpoena duces tecum to Dr. Eduardo Reyes. The subpoena sought correspondence and data pertaining to Student and Parents, and progress reports pertaining to Student. Student re-issued the subpoena on November 5, 2025. The re-issued subpoena was identical except for correcting a prior typographical error.

On November 6, 2025, Chula Vista filed a motion to quash on the grounds that the subpoena was 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.

SCOPE OF THE SUBPOENA

The subpoena seeks documents specifically mentioning Student or Parents, within a two-year date range from July 19, 2023 to July 17, 2025. Chula Vista argues the subpoena is overbroad because it seeks documents over a two year period, calls for documents referring to Student or Parents "by name, initials, assumed name, moniker or identification number," and calls for documents or data stored electronically or otherwise. Chula Vista argues it would require significant time and effort to review its various electronic and paper storage platforms. It further argues that the request for any and all responsive documents pertaining to Student and Parents is not narrowly tailored to the issues that are the subject of Student's complaint.

These arguments are not persuasive. The documents and data sought are narrowly tailored to specifically refer to Student or his Parents within a specific time period. Student, by declaration attached to the subpoena, made 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.) Specifically, Student declared that the documents and information all contain information relevant to the events alleged in the complaint and that in order to prepare the case, Student requires internal communication regarding Chula Vista's

knowledge of Student's needs for special education services and progress or lack thereof. Parents or adult students are entitled to request copies of the educational records, relating to the student in question, that are maintained by the school district. (Ed. Code, § 56504; *Burnett v. San Mateo Foster City School District,* (9th Cir. 2018) 739 Fed. Appx. 870, 873.)

RETURN DATE

Student's subpoena was returnable on the first day of hearing, which at the time it was issued was November 18, 2025. However, at the prehearing conference on November 10, 2025, Student's motion to amend was granted thereby re-scheduling the hearing date for December 30, 2025. Section 1987.1 of the Code of Civil Procedure, provides that a court may make an order quashing a subpoena entirely, modifying it, or directing compliance with it. Therefore, the subpoena is modified to change the date of production to the first day of hearing, December 30, 2025.

ORDER

1. Chula Vista's motion to quash Student's subpoena is DENIED. The records shall be produced to the Office of Administrative Hearings in accordance with the Instructions for Party Responding to a Subpoena attached to the subpoena, no later than December 30, 2025.

June Lehrman

June Lehrman
Administrative Law Judge
Office of Administrative Hearings