BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

OAKLEY UNION ELEMENTARY SCHOOL DISTRICT.

OAH CASE NUMBER 2024110824

ORDER GRANTING MOTION TO QUASH SUBPOENA DUCES TECUM

FEBRUARY 20, 2025

On November 25, 2025, Student filed a request for due process hearing with the Office of Administrative Hearings, called OAH, naming Oakley Union Elementary School District, called Oakley. On February 11, 2025, Student issued a subpoena duces tecum on Daveion McGee/Contra Costa County Children and Family Services. The subpoena sought all records and things pertaining to Student and his siblings, including but not limited to all reports, findings, emails, and telephone calls within the possession of Daveion McGee/Contra Costa County Children and Family Services.

On February 14, 2025, Oakley filed a motion to quash the subpoena on the grounds the subpoena requests confidential information, the scope is overly broad, and

the request lacked a showing of reasonable necessity or relevance to issues in this case. On February 18, 2025, OAH held a prehearing conference, called PHC, by videoconference, during which Student opposed the motion by oral argument.

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.

Oakley argues 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 argues that Oakley made malicious and false accusations to Daveion McGee/Contra Costa County Children and Family Services, who are mandated reporters. However, Student failed to establish why this alleged conduct, or any information from Daveion McGee/Contra Costa County Children and Family Services, an unrelated governmental agency, regarding Student or his siblings was material and relevant to any issue plead for this matter.

Student failed to establish that the subpoenaed documents are material and relevant. Oakley's motion is therefore granted.

ORDER

Oakley's motion to quash Student's subpoena duces tecum to Daveion McGee/Contra Costa County Children and Family Services is granted. The subpoena for records and attendance to Daveion McGee/Contra Costa County Children and Family Services is hereby quashed.

Paul Kamoroff

Paul H Kamoroff

Administrative Law Judge

Office of Administrative Hearings