BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

MANHATTAN BEACH UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025060927

ORDER GRANTING MOTION TO QUASH JULY 10, 2025, SUBPOENA

JULY 15, 2025

On June 25, 2025, Student filed a request for due process naming Manhattan Beach Unified School District. On June 26, 2025, a scheduling order was issued.

On July 10, 2025, Student issued a subpoena duces tecum for Dr. Kristopher Vegas, director of special education at Manhattan Beach to produce requested documents. A notice to consumer was sent to Dr. Vegas advising the subpoena was directed to him and Manhattan Beach. The subpoena sought the following documents:

Any and all records for Student generated by Manhattan Beach and its employees, including but not limited to:

a. Any and all documents, and documentation of occurrence related to training and professional development to staff at Manhattan Beach Middle School on the manifestation determination process by the Director of Special Education or other District staff member for the 2022-2023, 2023-2024 and 2024-2025 school years;
b. Any and all data, including but not limited to interoffice emails, notes, logs related to Student's Case Carrier ensuring that Student's Individualized Education Program, IEP, was being implemented correctly during the 2024-2025 school year;,
c. Any and all data, including, but not limited to interoffice emails, notes, logs related to Student's Case Carrier demonstrating she was maintaining regular communication with the Student's parents and school staff, general education teachers and school psychologist involved in the Student's education during the 2024-2025 school year.

On July 11, 2025, Manhattan Beach filed a motion to quash the subpoena on the grounds that it was untimely, did not demonstrate reasonable necessity for the production of records, requests records Student can readily obtain without a subpoena, the records requested are not within the control of Dr. Vegas, and it is overly broad and burdensome.

On July 14, 2025, during the prehearing conference, Student was heard on the record in opposition to Manhattan Beach's July 11, 2025's motion to quash.

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.

INSUFFICIENT NOTICE TO COMPLY

California Code of Civil Procedure section 1985.3, subdivision (d), stated 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, Student has not provided Dr. Kristopher Vegas as the Special education representative of the Manhattan Beach Unified School District with sufficient time to respond to the subpoena.

Student's July 10, 2025, subpoena duces tecum instructs Dr. Vegas to produce copies of the items identified above on July 22, 2025: Student's July 10, 2025, subpoena duces tecum is untimely for the July 22, 2025, expedited due process hearing as it was served on parties 12 days prior to the start of the expedited due process hearing. Student's subpoena duces tecum is quashed as untimely. Even assuming the subpoena duces tecum was timely, the July 10, 2025, SDT fails to establish a reasonable necessity for the records.

REASONABLE NECESSITY FOR THE RECORDS

Manhattan Beach 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. (*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.)

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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:

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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.)

Student's expedited due process hearing request alleged one issue, specifically, that Manhattan Beach failed to conduct an appropriate manifestation determination meeting on March 31, 2025, by inaccurately determining that Student's conduct was not a manifestation of his disability and inaccurately determining that Student's conduct was not the result of Manhattan Beach's failure to implement Student's IEP.

The declaration in support of Student's subpoena states "The records requested are material to the issues in dispute related to whether Student's IEP was being properly implemented and whether the District staff members that participated at the March 31, 2025, Manifestation Determination had received appropriate training on the process. These records are essentially required for the Petitioner to present

their case in chief at the due process hearing and to establish their proposed remedies therein."

Manhattan Beach argues Student does not explain how these records relate to any of his. Further, Manhattan Beach argues Student's claims contain only conclusory statements and generalizations.

Here, Student's July 10, 2025, subpoena failed to set forth any facts or argument related to relevance, materiality or reasonably necessity. Student argued at the July 14, 2025, prehearing conference that reasonable necessity goes to the question of whether Student's IEP was being implemented. Yet, Student's declaration never demonstrated any facts or arguments to support the breadth of its request.

The subpoena that was issued failed to comply with the requirement that it be accompanied by a declaration establishing reasonable necessity for production of the records. Here, Student made no statement of the basis for the need for the records. While 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; as no good cause for production of the records has been established, the subpoena cannot be modified.

ORDER

1. Manhattan Beach's motion to quash Student's subpoena to Dr. Kristopher Vegas, director of special education is granted.
2. The July 10, 2025, subpoena for records is hereby quashed.
3. Counsel for Student must immediately serve a copy of this order on Dr. Kristopher Vegas.

Cole Dalton

Cole Dalton, PALJ, on behalf of:

Tiffany Gilmartin

Administrative Law Judge

Office of Administrative Hearings