BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

MONROVIA UNIFIED SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2025070266

ORDER DENYING MOTION TO QUASH SUBPOENAS FOR NANCY ALIFF, YOLANDA ALVIDREZ, NAIMA JONES, TABITHA OBLIGACION, AKIRA TAJIMA, AND JEFFREY WAHL

OCTOBER 20, 2025

On July 7, 2025, Monrovia Unified School District filed a request for due process with the Office of Administrative Hearings, called OAH, naming Student. On July 21, 2025, OAH continued the matter for good cause and scheduled the hearing to begin on October 7, 2025.

On September 23, 2025, Student filed with OAH a prehearing conference statement naming Nancy Alif, Yolanda Alvidrez, Naima Jones, Tabitha Obligacion, Akira

Tajima, and Jeffrey Wahl as potential witnesses. These potential witnesses were employed by the nonpublic agency BEAM, at the time the IEP at issue in this matter was developed. At the request of Monrovia Unified, these witnesses assessed Student in the 2024-2025 school year and presented their assessment findings, conclusions, and recommendations in IEP team meetings that Student's IEP team relied on in developing Monrovia Unified's proposed IEP. Alif, Alvidrez, Jones, Obligacion, Tajima, and Wahl are referred to as the BEAM assessors.

OAH held a prehearing conference in this matter on September 29, 2025. On September 30, 2025, OAH issued an Order Following Prehearing Conference which ordered the parties to meet and confer no later than 5:00 PM on Thursday, October 2, 2025, to discuss scheduling witnesses. Monrovia Unified was further ordered to notify Student which of Student's potential witnesses would require a subpoena.

On October 1, 2025, Monrovia Unified uploaded to the electronic evidence program a Proposed Witness Schedule as of September 25, 2025. The Proposed Witness Schedule listed the BEAM assessors. On October 1, 2025, Student uploaded a list of witnesses, which listed Jones, Obligacion, Tajima, and Wahl, but not Alif and Alvidrez.

On October 7, 2025, prior to the start of hearing, Monrovia Unified filed with OAH a Proposed Witness Schedule as of October 6, 2025. Monrovia Unified's updated proposed witness schedule did not list any of the BEAM assessors.

On October 7, 8, 9, 14, 15, and 16, 2025, OAH held a due process hearing in this matter. Attorney Vivian Randolph appeared on behalf of Monrovia Unified School District. Program specialist Dr. Cara Reyes attended the hearing on Monrovia Unified's

behalf. Attorney David German appeared on behalf of Student. Parents attended the hearing on Student's behalf.

On October 7, 2025, at the start of the hearing, Student stated that she would need to subpoena the BEAM assessors, and had not done so prior to hearing because Student had expected Monrovia Unified to produce the six witnesses. OAH scheduled additional hearing dates for October 14, 15, and 16, 2025, to accommodate the testimony of the witnesses that were scheduled to testify and for those who would need to be subpoenaed.

On October 8, 2025, Student served subpoenas to the BEAM assessors, by email and first class mail, requiring Jones, Obligacion, and Wahl to appear for testimony on October 15, 2025, and Alif, Alvidrez, and Tajima to appear for testimony on October 16, 2025.

At hearing on October 14, 2025, Student expressed doubt that the BEAM assessors would comply with the subpoenas. Representations made by the parties at hearing was that the BEAM assessors were resistant to participating in the hearing. Monrovia Unified stated that it intended to file a motion to quash the subpoenas.

Based on the schedule of witnesses expected to testify on October 14, 15, and 16, 2025, it was unlikely that time would be available to take the testimony of the BEAM assessors on those dates Accordingly, OAH scheduled additional hearing dates for October 21 and 22, 2025, and ordered Student to reissue the subpoenas for BEAM assessors to appear for the 21st or 22nd, and for Monrovia Unified to file its motion to quash.

On October 14, 2025, Student reissued the subpoenas to the six witnesses. The subpoenas required Aliff, Obligacion, and Wahl to appear for testimony on October 21, 2025, and Alvidrez, Jones, and Tajima to appear on October 22, 2025.

On October 14, 2025, Monrovia Unified filed a motion to quash the subpoenas for the BEAM assessors, supported by a declaration by Attorney Randolph. Monrovia Unified contends the testimony of the BEAM assessors are not relevant, the subpoenas were not properly served, and the subpoenas did not provide the assessors sufficient time to comply. On October 14, 2025, Student filed an opposition to the motion to quash.

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, the hearing officer shall have the right to issue subpoenas to order a witness to appear and give testimony. (Cal. Code Regs., tit. 5, § 3082, subd. (c)(2).) 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.

THE TESTIMONY OF THE BEAN ASSESSORS ARE RELEVANT

The testimony of the BEAM assessors are relevant in this matter because Student's IEP team relied on their findings, conclusions, and recommendations to

develop Student's IEP. The IEP at issue was developed over three meetings held on February 3, 2025, March 3, 2025, and April 7, 2025.

At the February 3, 2025 IEP team meeting, school psychologist Obligacion, education specialist Alvidrez, speech-language pathologist Wahl, occupational therapist Jones, and adaptive physical education teacher Tajima presented their respective assessments. At the March 3, 2025 IEP team meeting, school psychologist Alif presented her findings from a non-verbal inventory assessment of Student and updates to BEAM's psychoeducational assessment. Alvidrez and Jones also attended the March 3, 2025 IEP team meeting.

Monrovia Unified contends the testimony of the BEAM assessors are not relevant because the appropriateness of the BEAM assessments are not an issue to be heard and decided. Monrovia Unified's contention is not persuasive. Though the legal compliance of the BEAM assessments are not an issue to be heard and decided in this matter, the BEAM assessments, and the information the BEAM assessors shared and their discussions at the meetings are relevant to whether the IEP properly identified Student's unique needs and the severity of those needs, and offered a program to meet those needs. Accordingly, the motion to quash the subpoena because the testimony of the BEAM assessors are not relevant is denied.

BEAM ASSESSORS WERE TIMELY SERVED TO ENABLE THEM TO APPEAR ON THE DATES AND TIMES AS INSTRUCTED BY THE SUBPOENAS

Student's efforts to subpoena the BEAM assessors were timely. The BEAM assessors were scheduled as Monrovia Unified's witnesses as of October 1, 2025, when Monrovia Unified uploaded into the electronic evidence program its proposed witness schedule. Student did not learn of Monrovia Unified's decision not to call the BEAM

assessors to testify until the morning of first day of hearing. Accordingly, Student's subsequent efforts to subpoena the BEAM assessors for scheduled hearing dates was timely.

Further, the parties represented at the October 15, 2025 hearing that the BEAM assessors were agreeable to appear to testify and provided Student's attorney their contact information to arrange for their video appearance. On October 15, 2025, Student uploaded into the electronic evidence program, a revised witness schedule for October 15, 16, 21, and 22, 2025, scheduling the BEAM assessors to testify on the 21st and 22nd. Monrovia Unified failed to establish the BEAM assessors could not comply with the subpoenas. Accordingly, Monrovia Unified's motion to quash the subpoenas is denied.

ORDER

Monrovia Unified's motion to quash Student's subpoenas for Nancy Alif, Yolanda Alvidrez, Naima Jones, Tabitha Obligacion, Akira Tajima, and Jeffrey Wahl is denied.

Rommel P. Cruz

Rommel P. Cruz
Administrative Law Judge
Office of Administrative Hearings