BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

GLENDALE UNIFIED SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2025100593

ORDER GRANTING MOTION TO QUASH SUBPOENA DUCES TECUM TO DISTRICT AND DENYING MOTION TO QUASH SUBPOENA DUCES TECUM TO CITY COLLEGE

JANUARY 23, 2026

On October 15, Glendale Unified School District filed with the Office of Administrative Hearings, OAH, a request for due process, called a complaint, naming Student. This matter is scheduled for hearing beginning January 27, 2026. The sole issue for hearing, as framed at the January 9, 2026, prehearing conference, called PHC, is whether Glendale's psychoeducational assessment of Student as documented in its November 2024 multidisciplinary assessment report was legally compliant such that Student is not entitled to a publicly funded independent psychoeducational evaluation.

On December 10, 2025, Student obtained a subpoena duces tecum signed by OAH presiding judge Cole Dalton and served this subpoena on Glendale. The subpoena to Glendale directed Glendale to produce documents by January 6, 2026. In summary, the subpoena sought the following categories of documents:

- Classroom work and teacher and staff communications from August 2023 through December 15, 2025;
- Assessment planning communications from August 2023 through December 15, 2025;
- Internal communications regarding IEE request, delay, and decision to file complaint;
- Internal discussions regarding eligibility exit, 504 substitution and April-June 2024 meetings;
- Prior written notice drafts and internal edits January to November 2025;
- Service discontinuations, stay-put communications and implementation decisions from January 2024 through December 2025;
- Implementation discussions regarding 2024 assessment, anticipated outcomes and the IEE request from October 2024 through December 2025;
- SEIS/CALPADS eligibility coding from August 2024 through December 2025;
- Assessment tool selection and internal test use discussions from January 2024 through December 2025;
- Raw data, discarded data, draft reports and attempted assessments;
- Internal communications regarding Parent concerns and requests from January 2024 through December 2025;

- Communications regarding the decision to file the complaint from July 2025 through December 2025;
- Assessor and contributing staff employment records including resumes and school site assignments; and
- Privilege log requirements.

Student's declaration of reasonable necessity generally asserts the requested documents are reasonably necessary as they directly relate to whether Glendale's 2024 assessment of Student was legally compliant. Student further argues Glendale's internal deliberations are necessary to determine if it fulfilled its legal obligations relating to Student's 2024 assessment and Student's July 2025 request for an independent evaluation, including timely filing for due process to defend its assessment.

On December 11, 2025, Student obtained a subpoena duces tecum signed by OAH presiding judge Cole Dalton and served this subpoena on Pasadena City College. The subpoena to City College directed it to produce documents by January 6, 2026, specifically, records responsive to Glendale's subpoena to City College and Student's coursework from January 2025 through June 2025.

On December 22, 2025, Glendale filed a motion to quash the subpoenas on the grounds they improperly seek prehearing discovery. Additionally, as to the Glendale subpoena, Glendale asserts it is not supported by a sufficient showing of reasonable necessity, is overbroad and impermissibly seeks documents protected by privacy rights and the attorney-client privilege and work product doctrine.

During the January 9, 2026, PHC, administrative law judge Dan Senter heard oral argument regarding the motion to quash and Student's objection to the motion. During the PHC, Glendale represented that it had provided Student all test protocols

and raw data from the November 2024 assessment and had not withheld any attempted or incomplete rating scales. Student accepted this representation and withdrew any further request for assessment data. Student additionally agreed that Glendale's provision of assessor and testifying staff resumes would likely address the employment records request. The matter was taken under submission. The undersigned was assigned this matter, reviewed the subpoenas and the motion to quash, listened to the PHC recording, and issues this Order.

CITY COLLEGE SUBPOENA

Glendale has no standing to move to quash a third-party subpoena issued to City College. Glendale's motion to quash the subpoena directed to City College is denied.

SUBPOENAS DUCES TECUM IN SPECIAL EDUCATION PROCEEDINGS

A party to a due process hearing under the Individuals with Disabilities in Education Act, called IDEA, 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).) While subpoenas duces tecum are authorized in special education hearings, their use must be consistent with the legislative and regulatory framework of these proceedings.

Education Code, section 56505, subdivision (a), provides that "[t]he state hearing shall be conducted in accordance with regulations adopted by the board," and under that authority the Department of Education promulgated section 3082, subdivision (c)(2), of title 5 of the California Code of Regulations, which authorizes the issuance of subpoenas and subpoenas duces tecum. These regulations specifically disallow the provisions of the Administrative Procedures Act that provide broader authority for the

use of subpoenas in other administrative hearings. (5 Cal. Code Regs., tit. 5, § 3089, [inapplicability of Govt. Code, §§ 11450.05-11450.30 to due process hearing procedures].)

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).) The requesting party must set forth sufficient detail, specific to the legal and factual issues to be adjudicated, that the requested records are reasonably necessary for the party to present a case or mount a defense. The reasonable necessity standard is a distinct, more stringent standard than the "good cause" standard governing standard discovery requests in civil litigation.

The Code of Civil Procedure section 1985, subdivision (b) 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.

NO RIGHT TO PREHEARING DISCOVERY

In general, there is no right to prehearing discovery in due process proceedings under the IDEA. (20 U.S.C. § 1400 et seq.) Rather, the IDEA provides parties with the right to present evidence and compel the attendance of witnesses at "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).) California provides a similar right to present evidence and compel the attendance of witnesses in due process proceedings (Ed. Code, § 56505, subd. (e)), but does not confer the right to prehearing discovery.

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.) The parties are also entitled to disclosures of any evidence an opposing party plans to introduce at hearing 5 business days prior to the date of the first day of hearing. (Ed. Code, 56505(e)(7).)

Student's subpoenas duces tecum direct Glendale to produce the subpoenaed records prior to the first day of hearing. Student has no statutory right to pre-hearing discovery. It is facially deficient in this regard and is quashed on these grounds.

REASONABLE NECESSITY FOR THE RECORDS

Glendale persuasively 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.)

Student's declaration in support of the subpoena is completely devoid of any required factual showing demonstrating that the records are reasonably necessary to Student's defense. 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. This case involves the legally sufficiency of Glendale's 2024 psychoeducational evaluation of Student. Here, Student made no factual showing of the need for the records given the very limited nature of this hearing. Student's supporting declaration is inadequate to establish reasonable necessity for the production of the requested records, which is a higher standard than good cause or simply asserting relevance.

Student's subpoena is also overly broad as it seeks documents relating to time periods prior to the November 2024 assessment process time frame and documents more than a year after completion of the assessment. Student failed to establish such categories of documents are reasonably necessary for Student to present a defense to the sole issue for hearing. Accordingly, Glendale's motion to quash the subpoena directed to Glendle is granted.

ORDER

1. Glendle's motion to quash Student's subpoena duces tecum to City College is DENIED.
2. Glendale's motion to quash Student's subpoena duces tecum to Glendale is GRANTED.

Theresa Ravandi

Theresa Ravandi

Administrative Law Judge

Office of Administrative Hearings