

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

ROCKLIN UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021120714

ORDER GRANTING REQUEST FOR *IN CAMERA* REVIEW OF
SUBPOENA RESPONSE

MARCH 09, 2022

On December 21, 2022, Parent on behalf of Student filed a request for a due process hearing naming Rocklin Unified School District and Elk Grove Unified School District. On January 31, 2022, an order granting a continuance in this matter was granted scheduling the case for hearing on February 15, 16, and 17, 2022. On February 8, 2022, Elk Grove was dismissed from this matter as Student and Elk Grove reached a settlement agreement. The hearing was convened on February 15, 16, and 17, 2022, and March 8 and 9, 2022.

On February 9 and 10, 2022, Rocklin issued a subpoena duces tecum on Kaiser Permanente Roseville Medical Center. The subpoena to Kaiser Permanente sought:

1. Any and all notes taken during or after patient intake of Student from December 2, 2021 to present.
2. Any and all labs, test results, blood work pertaining to Student's seizure medication from December 2, 2021 to present.
3. Any and all service logs, notes, and/or summaries regarding Student from December 2, 2021 to present.
4. Any and all medical records, doctor's orders, and/or notes regarding Student from December 2, 2021 to present.
5. Any and all communications, notes, and/or summaries regarding impressions of Parent or Student's physical well-being in her custody. 6. Any and all child abuse and neglect reports (CANRA mandated report) and/or Child Protective Services report filed from December 2, 2021 to present.

On February 10, 2022, Student filed a motion to quash the subpoena on the grounds that the subpoena was over-broad, intrusive, and procedurally defective. On February 14, 2022, Rocklin opposed the motion arguing that Student's motion did not prove the subpoenas were not reasonably necessary for Rocklin to defend itself in the due process hearing. On February 14, 2022, Student filed a response to Rocklin's opposition.

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.

On February 15, 2022, the undersigned Administrative law Judge issued an order Denying Granting in Part and Denying in Part Student's Motion to Quash, modifying the subpoena to:

Any and all medical records, doctor's orders, and/or notes specifically relating to a medical incident Student may have suffered on December 2, 2021, and any subsequent medical issues directly caused by the December 2, 2021, medical incident that may have impacted his education from December 2, 2021, through February 14, 2022.

On March 8, 2022, Kaiser Permanented filed a written request for *in camera* review of the subpoena response, on that basis that it was difficult for it to determine which medical records were responsive to the modified order. Kaiser's request is reasonable and is granted. Kaiser Permanente's subpoena response will be reviewed *in camera*, and only documents responsive to the limitations of the modified order will be released. Records may be redacted, as necessary, to protect Student's privacy.

IT IS SO ORDERED.

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Cararea Lucier

Administrative Law Judge

Office of Administrative Hearings