

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

SACRAMENTO CITY UNIFIED SCHOOL DISTRICT AND
SOL AUREUS COLLEGE PREPARATORY CHARTER.

OAH CASE NUMBER 2026040528

ORDER GRANTING IN PART, AND DENYING IN PART,
MOTIONS TO QUASH SUBPOENAS

AUGUST 4, 2026

On April 9, 2026, Student filed a request for due process naming Sol Aureus College Preparatory Charter and Sacramento City Unified School District. In the complaint, Student alleges Respondents denied Student a free appropriate public education, called FAPE, based on conduct which occurred during the 2023-2024, 2024-2025 and 2025-2026 school years. Among the various violations, Student alleges Respondents failed to timely refer him for a special education assessment, failed to timely complete assessments and make an offer for special education and related services, failed to make appropriate offer of special education and related services, and

failed to fully implement his individualized education program, or IEP. The hearing is currently scheduled to begin on August 11, 2026.

THE SUBPOENAS TO RESPONDENTS

On July 28, 2026, Student served a subpoena duces tecum on District seeking the production on the first day of hearing of all communications by any District employee or representative relating to Student, held by District between January 1, 2024 through August 11, 2026, regarding any of the following: educational program, behavior, discipline, progress, assessments, IEP services and placement decisions. Student also seeks any document or memorandum of understanding regarding District's relationship with Charter during the 2024-2025 school year, and in particular, the documents establishing the responsible local educational agency for providing Charter students with special education assessments and services during the 2024-2025 school year. Student's subpoena states that these documents are not education records and can only be obtained by subpoena and are reasonably necessary for Student to present evidence on the issues raised in the complaint. Student filed a copy of the subpoena with OAH.

On July 28, 2026, Student served a subpoena duces tecum on Charter seeking the production on the first day of hearing of all communications by any Charter employee or representative relating to Student held by Charter, between January 1, 2024 through August 11, 2026, regarding any of the following: educational program, behavior, discipline, progress, assessments, IEP services and placement decisions. Student also seeks any document or memorandum of understanding regarding Charter's relationship with District during the 2024-2025 school year, and in particular, the documents establishing the responsible local educational agency for providing Charter students with special education assessments and services during the 2024-2025 school year. Student's subpoena states that these documents are not education records and can only

be obtained by subpoena and are reasonably necessary for Student to present evidence on the issues raised in the complaint. Student filed a copy of the subpoena with OAH.

THE MOTIONS TO QUASH

DISTRICT'S MOTION TO QUASH AND STUDENT'S OPPOSITION

On July 29, 2026, District filed a Motion to Quash the subpoena on the grounds that the subpoena is untimely, overly broad and unreasonably burdensome given the short amount of time it has to respond and the number of documents that need to be reviewed. District also argues Student failed to demonstrate reasonable necessity for the records in that the subpoena fails to make any specific showing of reasonable necessity because the subpoena contains only a conclusory declaration without any specific rationale explaining how the requested documents relate to the claims. District asserts that responding to the subpoena will be unduly burdensome because it will require every employee or representative to review 31 months of documents to see if they relate to Student's educational program, behavior, discipline, progress, assessments IEP services and placement decisions. District asserts that the subpoena is an improper attempt to conduct discovery, improperly seeks personal text messages it cannot access and violates its employees' rights to privacy.

Student filed opposition on July 30, 2026. Student argues the subpoena only seeks documents for the issues and period at issue with facts supporting the need for the documents. Student argues District has filed a motion to limit issues, seeking to dismiss claims against it for the 2025-2026 school year based on it not being the responsible local educational agency for that period. Student argues that some of the documents are necessary to establish that District was the responsible public agency for that period. Student argues District has until August 11, 2026 to produce the

documents, that he only seeks documents held by District, and that District can presumably conduct a search on its database for the responsive documents using Student's name. Student argues he has a right to review all the communications in District's possession and without the benefit of these documents, Student risks being prejudiced.

CHARTER'S MOTION TO QUASH AND STUDENT'S OPPOSITION

On July 30, 2026, Charter filed a Motion to Quash the subpoena on the grounds that the subpoena seeks documents which are not reasonably necessary to the resolution of this matter and Student has made no showing of reasonable necessity. It also argues the subpoena is overbroad and unduly burdensome because it requests all communications without any reasonable limitation as to subject matter, time period or scope, and the short amount of time it has to respond and the number of documents that need to be collected and reviewed. Charter argues that time period specified in the subpoena is beyond the scope of liability at issue, seeks documents untethered to the claims in this case or the relevant staff members, amounting to an impermissible attempt to conduct discovery.

On August 3, 2026, Student filed opposition to Charter's motion, making many of the same arguments he made in his opposition to District's motion to quash. Student argues that although there are no formal rules of discovery in special education proceedings, OAH relies on the California Code of Civil Procedure and defining case law. Student argues that discovery rules are applied liberally in favor of discovery, and that so long as a request for information is relevant, might reasonably assist a party, is not privileged and could lead to discoverable evidence, the request is permissible. Student argues the subpoena states that the requested documents are reasonably necessary to present evidence on the issues in the complaint and Student has no other way to obtain

the documents. Student asserts the subpoena is limited in scope to the period beginning three months before the first issue arose, which is relevant to the child find violation asserted during the spring of 2024. Student argues he is not seeking privileged documents, that Charter could conduct a computerized search for the responsive records and that Charter has failed to establish that the burden of responding outweighs Student's right to obtain the documents or their probative value. Student also argues that some of the documents are relevant to establishing the responsible local educational agency for the period in question.

STUDENT HAS FAILED TO DEMONSTRATE REASONABLE NECESSITY FOR ALL BUT A NARROW CATEGORY OF DOCUMENTS

The Individuals with Disabilities Education Act, called 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); 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).)

In general, there is no right to prehearing discovery in due process proceedings. Rather, the law accords prehearing access to two types of documents: (i) parents have the right to request and receive the pupil's educational records within five business days at any time, and (ii) the parties are entitled to receive copies of all the documents the other party intends to use at hearing, not less than five business days prior to the hearing. (Ed. Code, §§ 56504 & 56505, subd. (e)(7).)

A subpoena duces tecum seeking production of documents on the day the hearing commences may be appropriate if the requisite showing of “reasonable necessity” is adequately made in a declaration supporting the subpoena and assuming no other legal bar to production exists. In ruling on motions to quash, 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 issuing protective orders.

Here, for both subpoenas, Student has failed to make the requisite showing of reasonable necessity for any of the requested communications. The declarations supporting the subpoenas do not contain proper specificity explaining *how* each of the documents sought from District and Charter are reasonably necessary to prove an issue in this case. Merely asserting in the declarations supporting the subpoenas that the documents are reasonably necessary for Student to present evidence on the issues raised in his complaint is too vague and conclusory, without an accompanying explanation as to *how* each of the documents sought are reasonably necessary for Student to present his case.

To the extent Student asserts that all the requested documents are reasonably necessary, those assertions are insufficient to justify the scope of the records requested because they are conclusory and insufficiently supported. For example, Student fails to establish why each and every communication, including every writing, note, text message, or email ever written between January 1, 2024 and August 11, 2026 by unnamed personnel, including every Respondent employee or representative regarding Student, his educational program, behavior, discipline, progress, assessments, IEP

services and placement decisions, is reasonably necessary for Student to present his case at hearing.

Furthermore, the complaint in this case was filed in April 2026, and Student fails to explain in the declarations supporting the subpoenas why every communication through August 11, 2026 is necessary for him to prove his case. The last IEP at issue was March 27, 2026, and Student provides no justification in the subpoena for the period following that IEP through August 11, 2026. Similarly, the declaration supporting the subpoena offers no explanation for the communications going back to January 1, 2024, given that Student's child find claim only goes back to March 2024. In his opposition Student attempts to belatedly provide an explanation for the January 1, 2024 date; however, the showing of reasonable necessity is required to be contained in declaration supporting the subpoena.

Student appears to misunderstand the reasonable necessity showing required for a subpoena duces tecum for a special education hearing. Student confuses the more liberal standard for discovery in civil cases of "reasonably calculated to lead to the discovery of admissible evidence," with the stricter standard of "reasonable necessity" required in special education case for production of documents at hearing. (See, Civ. Proc. § 2017.010 and Cal. Code Regs., tit. 5, § 3082, subd. (c)(2).) The assertions made in Student's opposition papers that the documents are "relevant" or "probative" does not establish they are reasonably necessary for Student to present his case at hearing.

Student failed to include any proper declaration demonstrating reasonable necessity for the requested communications in either of the subpoenas. As such, the first category of documents sought by the subpoenas regarding communications does not appear to be a focused effort by Student at obtaining documents reasonably necessary to prove an issue in the case, but rather, a fishing expedition based on an

inapplicable discovery standard to obtain every communication ever created pertaining to Student over a more than two-year period, regardless of their relevance or materiality, or lack thereof, to the issues at hearing.

As to the second category of documents sought by the subpoenas, i.e., the documents regarding the relationship between Charter and District during the 2024-2025 school year, neither Respondent specifically addresses this category in their motion papers. Moreover, Student fails to explain how District's motion to limit issues, which was specifically limited to the claims against District for 2025-2026 school year, relates to Student's subpoena requests for documents regarding the 2024-2025 school year.

Nonetheless, Student has also failed to demonstrate reasonable necessity for the breadth of the request for these documents in the declaration supporting the subpoena seeking any document regarding the relationship between Charter and District during the 2024-2025 school year. In other words, there has been no showing that Student requires every document regarding the relationship of the Respondents during the 2024-2025 school year.

However, Student's subpoenas appear to also more narrowly seek the documents establishing the local educational agency responsible for providing Charter students with special educational assessments and services during the 2024-2025 school year. This narrower subcategory clarification, when read with the rest of the declaration supporting the subpoenas sufficiently establishes that Student reasonably needs those documents to establish the responsible local educational agency for Student during the 2024-2025 school year. Here, Student has named two Respondents in the claims covering the 2024-2025 school year and Student will need to establish the responsible local educational agency to prevail on those claims. As such, Respondents are required

to produce only those documents which establish the responsible local educational agency for providing Charter students with special educational assessments and services during the 2024-2025 school year, which shall include but are not limited to any memorandums of understanding and Charter's petition.

Respondents' other objections are either moot or without merit. As is clear from the scope of the subpoenas, Student has not sought privileged documents, and Respondents are not required to produce any documents covered by the attorney-client privilege. Moreover, Respondents are not required to produce any documents responsive to the subpoenas sooner than August 11, 2026, at 9:30 AM, the date and time for the first day of hearing. Accordingly, District's request to continue the hearing to allow it more time to respond to the subpoena is denied.

ORDER

1. District's motion to quash is granted in its entirety except for those documents in District's possession, custody or control that establish the local educational agency responsible for providing Charter students with special educational assessments and services during the 2024-2025 school year, including but not limited to any memorandum of understanding and Charter's petition. As to these documents ordered to be produced, District's motion to quash is denied.
2. Charter's motion to quash is granted in its entirety except for those documents in Charter's possession, custody or control that establish the local educational agency responsible for providing Charter students with special educational assessments and services during the 2024-2025 school year, including but not limited to, any memorandum of understanding and

Charter's petition. As to these documents ordered to be produced, Charter's motion to quash is denied.

3. By no later than August 11, 2026, at 9:30 AM, District and Charter shall produce all responsive documents ordered herein to be produced by uploading them into Case Center pursuant to the Instructions for Responding to an OAH Subpoena, served with each respective subpoena.

IT IS SO ORDERED.

Laurie Gorsline

Laurie Gorsline

Administrative Law Judge

Office of Administrative Hearings