

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENT ON BEHALF OF STUDENT,

v.

UNION SCHOOL DISTRICT.
OAH CASE NUMBER 2026060619

ORDER GRANTING IN PART STUDENT'S MOTION TO
QUASH SUBPOENAS

AUGUST 11, 2026

On June 8, 2026, Student filed a request for due process, called a complaint, naming Union School District. Student identifies as issues for hearing whether Union denied her a free appropriate public education, called a FAPE, by failing to exercise its child find duty, assess in all areas of suspected disability, make an appropriate eligibility determination, and offer an appropriate education program. This matter is scheduled for hearing beginning on August 25, 2026.

On August 3, 2026, Union issued a subpoena duces tecum on Dr. Dana Won, Samantha Mitchell, and the custodian of records at Sutter Health. Dr. Dana Won was Student's physician during the time at issue. Samantha Mitchell was Student's therapist

during the time at issue. Union issued a subpoena duces tecum on the custodian of records at Sutter Health, as Union is uncertain whether Dr. Won maintains Student's records or Sutter Health maintains a central repository of records. Union asserts it provided sufficient notice as to the records sought. Each subpoena sought all documents, records, evaluations, notes, communications, and work samples related to Student, from June 1, 2024, to the present.

On August 5, 2026, Student filed a motion to quash the subpoenas on the grounds that they are overboard, are not based on reasonable necessity, infringe on Student's right to privacy regarding medical records, and the medical records sought are irrelevant. Student argues Union is engaging in a fishing expedition.

On August 10, 2026, Union opposed the motion arguing the requested records are relevant and are of a reasonable necessity to the presentation of its case at hearing. Union contends the records are material to determining whether it timely and appropriately identified Student's needs, conducted appropriate assessments, and developed an appropriate education program. Union argues the requested health records may reasonably establish diagnoses, timing, severity, treatment recommendations, and alternative explanations.

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.

Student contends the subpoenas are overly broad as the subpoenas request documents for time periods not covered by Student’s complaint. Student’s allegations assert that Union failed to provide her a FAPE between May 2025 and June 2026. Union subpoenaed records dating back to June 1, 2024. Union explained that context is important and having an understanding of Student’s health, mental health, and related

conditions preceding the allegations against Union are reasonably necessary to its defense. Specifically, the timing of the onset of symptoms is relevant to what Union knew and when.

Copies of the subpoenas were not submitted with the motions. Student represented that Union further requested documents dating to August 3, 2026, the date of the issuance of the subpoenas. Union failed to provide any basis for needing records of the services Dr. Dana Won or Samantha Mitchell provided to Student subsequent to June 8, 2026, the date of the filing of the complaint.

Student further argues the request for “all” records related to Student during the time period requested is overly broad and is not reasonably necessary, as it encompasses every category of information maintained by multiple providers, and are not directed toward specific or identifiable evidence related to the issues for hearing. Student provided partial records and communications from Dr. Won during the IEP development process. The records presented to Union suggested that Dr. Won reviewed or conducted assessments related to Student and Parent discussed Student’s education with Dr. Won. In Student’s prehearing conference statement, she identified Dr. Won as a potential witness at hearing. Student’s complaint refers to Dr. Won’s multiple alleged communications to Union regarding Student’s learning discrepancy, concerns, and recommendations for intervention throughout the 2025-2026 school year. Student argues Union was on notice of Student’s struggles, but failed to heed Dr. Won’s communications.

Student did not provide any records created by Samantha Mitchell to Union, but relayed Mitchell’s opinions of Student to Union during the IEP development process. Student included these opinions in her complaint and argued that Union’s school-based counselors erroneously attributed Student’s educational difficulties to testing anxiety, in

contrast to Mitchell's professional opinion. Student identified Mitchell as a potential witness for hearing.

Student cannot rely on Dr. Won's and Mitchell's opinions and records in support of her due process claims, yet prevent Union from obtaining the relevant records that Dr. Won or Mitchell relied upon in forming their opinions. However, Union's request for every document, record, evaluation, note, communication, and work sample related to Student from the past two years is overbroad. Simply because the requested documents or information are related to Student or reference Student does not mean that they have any bearing on the issues in this case. Union's subpoena does not identify the records sought with specificity as related to the issues in this case. Union did not establish any basis for needing every single record sought, or that all of the subpoenaed documents are material and relevant, let alone reasonably necessary to defend the action. (*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 argues that she has not placed her medical condition at issue and provided Union with limited and specific medical records she believes are directly relevant to Student's educational needs. Student contends the subpoenas infringe upon her right to privacy as Union's subpoenas have not attempted to separate relevant records from unrelated confidential and sensitive medical information.

California law recognizes a constitutional right to privacy in an individual's medical history. (See, *Pettus v. Cole*, (1996) 49 Cal. App. 4th 402, 440.["the 'zones of privacy' created by Article 1 , section 1 of the California Constitution extend to the details of one's medical history"]; *Palay v. Superior Court*, (1993) 18 Cal. App. 4th 919, 932, ["Fundamental to the privacy of medical information is the ability to control its circulation ..."] The constitutional right of privacy is not absolute, but is subject to

invasion where a compelling public interest is involved. (*Freed v. Home Depot U.S.A., Inc.* (S.D. Cal 2019) 2019 W.L. 183833, p. 5; *Hill v. National Collegiate Athletic Association* (1994) 7 Cal. 4th 1, 37.) State law governs an individual's right to privacy in a civil matter. (Fed. Rule Evid. 501; *Freed v. Home Depot U.S.A.* (S.D. Cal. 2019) 2019 WL 183833.)

Student has a right to privacy in her medical records. Here, the subpoena as written was overbroad. Rather than tailoring the document request to those documents related to the issues for hearing, Union's subpoenas seek "all" records related to Student between June 1, 2024, and August 3, 2026. Student has not placed her entire medical history at issue by arguing that a specific learning disability is central to her case. Student maintains their right to privacy as to medical matters not at issue in this case. (*Freed, supra*, at p. 5. ["The party seeking the constitutionally protected information bears the burden of establishing that the information is directly relevant to the claims at issue."].)

This is not to say that Student has an absolute right to block disclosure of any information related to their medical history. A right of privacy is not absolute. (*Hill, supra* at p. 38.) A court must construe any claim of waiver, due to placing medical matters at issue, narrowly and the competing compelling interest is found only where it is established that the material sought is directly relevant to the litigation. (*Freed, supra*, at p. 5 citing *Tylo v. Superior Court* (1993) 55 Cal. App 4th 1379, 1387.)

ORDER

1. Student's motion to quash Union's subpoena to Dr. Dana Won is granted, in part. Dr. Dana Won shall produce all documents, records, evaluations, notes, communications, and work samples related to Student's learning discrepancy

and attention-deficit/hyperactivity disorder, and Student's education and educational setting, from June 1, 2024, to June 8, 2026.

2. Student's motion to quash Union's subpoena to Samantha Mitchell is granted, in part. Samantha Mitchell shall produce all documents, records, evaluations, notes, communications, and work samples related to Student's education and educational setting, from June 1, 2024, to June 8, 2026.
3. Student's motion to quash Union's subpoena to the custodian of records at Sutter Health is granted, in part. The custodian of records at Sutter Health shall produce all documents, records, evaluations, notes, communications, and work samples related to Student's learning discrepancy and attention-deficit/hyperactivity disorder, and Student's education and educational setting, from June 1, 2024, to June 8, 2026.
4. Counsel for Union shall immediately serve a copy of this order on Dr. Dana Won, Samantha Mitchell, and the custodian of records at Sutter Health



Jeanie Min

Administrative Law Judge

Office of Administrative Hearings