

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

SAN LORENZO VALLEY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026070553

ORDER GRANTING MOTION TO QUASH IN PART AND
MODIFYING SUBPOENA DUCES TECUM

SEPTEMBER 23, 2026

On July 13, 2026, Parent on behalf of Student, filed a request for due process hearing, also called a complaint, with the Office of Administrative Hearings, called OAH, naming San Lorenzo Valley Unified School District as respondent.

On August 25, 2026, San Lorenzo Valley issued a subpoena duces tecum on Chartwell School. A notice to consumer was sent to Student advising Student of the subpoena(s) directed to Chartwell. A copy of the subpoena was sent to Student with the notice to consumer. The subpoena to Chartwell sought broad categories of documents related to Student's enrollment at the school.

On September 9, 2026, Student filed a motion to quash the subpoena duces tecum, on the grounds that it asked for records to be produced to San Lorenzo Valley counsel prior to the first day of the due process hearing. Student also contested the subpoena on the grounds that San Lorenzo Valley did not establish a reasonable necessity for the breadth of documents requested, specifically noting that the time period for the record requests begins in February 2025 but Student's claims begin on April 1, 2026. OAH did not receive a response to the motion to quash from San Lorenzo Valley.

APPLICABLE LAW

A party to a due process hearing under the Individuals with Disabilities in Education Act, also called the 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).)

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.

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.

While subpoenas duces tecum are authorized in special education hearings, their use must be consistent with the legislative and regulatory framework of these proceedings. 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 and witnesses an opposing party plans to introduce at hearing five business days prior to the date of the first day of hearing. (Ed. Code, 56505(e)(7).) Pre-hearing discovery in special education cases at the administrative hearing stage, however, does not include the use of subpoenas to secure records prior to hearing.

San Lorenzo Valley's subpoena directs Chartwell to produce the subpoenaed records to attorney Stephanie Olsen at an Oakland, California office address. The request asks that the records be produced by September 24, 2026, which is 19 days prior to the first day of hearing. San Lorenzo Valley has no statutory right to pre-hearing discovery. San Lorenzo Valley's subpoena should have been returnable to OAH, on the first day of hearing with a document upload to Case Center.

Section 1987.1 of the Code of Civil Procedure, provides that a court may make an order quashing a subpoena entirely, modifying it, or directing compliance with it. Therefore, the subpoena is modified to change the date of production to September 13, 2026, the entity to which it is produced, to OAH, and the means of production as a document upload to Case Center per the invitation previously issued. The Administrative Law Judge is the only person who will have access to the documents prior to the beginning of the hearing. As discussed later in this order, the subpoena will be further modified as to the scope of the documents that Chartwell must produce.

REASONABLE NECESSITY FOR THE RECORDS

Student argues that the subpoena duces tecum should be quashed because it fails to make the requisite showing of reasonable necessity for the requested documents, including 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 states, "Production of the requested records from Chartwell School is reasonably necessary for the District to defend itself in Student's due process complaint, assigned OAH Case No. 2026070553, in which Student alleges the District failed to offer him a free, appropriate public education ("FAPE"). Student currently attends Chartwell School, where he was unilaterally placed by Parent in lieu of the offered District program. Parent claims that this program is more appropriate for Student than the program offered by the District, and requests that OAH order the District to reimburse them for the cost of Student's attendance at Chartwell School for the 2026-2027 school year. The requested records are necessary for the District to respond to the allegations raised by Student in OAH Case No. 2026070553 and to defend itself in the due process hearing. There is no other way for the District to obtain these records or the information they contain."

San Lorenzo Valley's declaration establishes a reasonable necessity for the documents subpoenaed. Specifically, San Lorenzo Valley states that is defending a claim that it should reimburse Student for the cost of Chartwell on the grounds that it offers a more appropriate program than San Lorenzo Valley offered Student. The parties previously settled a prior case, that included Student's waiver of claims through the 2025-2026 school year including extended school year, 2026, excluding claims related to the annual IEP meetings held in the spring of 2026, and any offers of FAPE made for the 2026-2027 school year.

San Lorenzo Valley has met the requirement for establishing a reasonable necessity for the documents sought. However, San Lorenzo Valley has not established a basis for seeking documents during a time frame that reaches back to February 2025.

Student's complaint includes claims involving a December 2025 assessment, which was reviewed during the IEP team meetings excepted from Student's waiver. Student also asserts Chartwell's records demonstrated significant skill deficits during the first semester of the 2025-2026 school year. Student, however, also asserted in the complaint that Chartwell's structure allowed the Student, who was described as "volatile," to experience success at school.

The date range of the subpoena shall be modified to a request for records from only the dates of Chartwell's 2025-2026 school year, through September 30, 2026. This allows San Lorenzo Valley access to documents needed to defend any claim that San Lorenzo Valley should reimburse Student for Chartwell expenses during any period of the 2026-2027 school year, as a means of providing compensatory education. The September 30, 2026 cut-off date allows Chartwell a reasonable time to gather documents while having the scope of documents be clearly defined as opposed to a continually moving target up to the date of hearing.

Finally, while San Lorenzo Valley has established a reasonable necessity for the documents, category 5, regarding correspondence, is vague, and potentially over burdensome. . That category will be limited as stated in the Order.

ORDER

1. Student's motion to quash San Lorenzo Valley's subpoena duces tecum to Chartwell is granted in part and the subpoena is hereby modified. Chartwell shall produce documents regarding Student as described in the pending subpoena duces tecum, with the following modifications:
 - a. Documents will be produced to OAH by uploading them into Case Center. Documents are not to be produced to San Lorenzo Valley or

its counsel prior to uploading them to Case Center. The ALJ will make the decision regarding whether the documents produced are relevant to the hearing, and to be released to San Lorenzo Valley on the first day of hearing.

- b. The documents must be produced no later than October 13, 2026, and shall be produced by uploading responsive documents to Case Center pursuant to an OAH document request or invitation to upload documents. The previously issued document request will be updated.
 - c. The document scope is the time frame from the first day of Chartwell's 2025-2026 school year through September 30, 2026.
 - d. The category of Correspondence, under number 5, in all subcategories will be limited to correspondence discussing Student's academic performance, behavior, or special education services.
2. Counsel for San Lorenzo Valley shall immediately serve a copy of this order on Chartwell, to the school site from which documents are sought.

Penelope Pahl

Penelope S. Pahl

Administrative Law Judge

Office of Administrative Hearings