BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

GLENDALE UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025120710

ORDER GRANTING IN PART AND DENYING IN PART MOTION TO QUASH SUBPOENA DUCES TECUM AND GRANTING MOTION TO QUASH SUBPOENA FOR TESTIMONY

JANUARY 15, 2026

On December 16, 2025, Student filed a request for due process naming Glendale Unified School District with the Office of Administrative Hearings, called OAH. On December 18, 2025, OAH issued a scheduling order, setting the expedited matter for hearing on January 21, and 22, 2026.

On December 23, 2025, OAH issued an Order determining the non-expedited issues in the due process complaint insufficient.

On January 7, 2026, Student issued a subpoena duces tecum and a subpoena to give videoconference testimony under oath on Glendale. The subpoena duces tecum sought all Glendale communications, from August 1, 2024, to December 12, 2025, regarding Student, including, but not limited to, communications regarding Student's:

1. Academic performance, progress, and grades.

2. Behavior, discipline, and disciplinary incidents.

3. Attendance or truancy issues.

4. Special education services requests from parents, including all Student Support Team Meetings, Individualized Education Program evaluation request, 504 Plan meeting requests, and all requests from parent for student support services regarding psychological trauma Student endured.

5. Physical health, emotional health, well-being, counseling records, medical doctor notes and psychologist notes submitted to GUSD.

6. Incidents involving bullying, harassment, and GUSD staff interactions.

7. Any investigations, reports, or concerns related to the child's welfare and/or safety.

The categories are numbered in this Order for reference but were not numbered in Student's subpoena. The subpoena for testimony identified "Glendale Unified School District Staff" as the "name or person or entity subpoenaed."

On January 8, 2026, Glendale filed a motion to quash the subpoenas on the grounds that the subpoena for testimony fails to identify any specific witnesses, the

subpoena duces tecum lacks a required declaration demonstrating reasonable necessity for the records sought, and neither subpoena was properly served.

On January 9, 2026, at the prehearing conference in this matter, called a PHC, Student opposed the motion on the grounds that the requested communications are reasonably necessary and that Student may subpoena Glendale staff by listing it as an entity.

APPLICABLE LAW

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.

SERVICE

Glendale contends both subpoenas should be quashed because they were not properly served. Glendale asserts the subpoenas lacked a proof of service and were emailed to Glendale's counsel after 5:00 PM on January 7, 2026, who was not provided prior authorization to accept service on behalf of Glendale.

The subpoenas were signed by OAH on January 6, 2026, and Student emailed them to Glendale's counsel the next day. Glendale failed to demonstrate the lack of a proof of service prejudiced it or its counsel. Indeed, Glendale filed the instant motion to quash on January 8, 2026. Accordingly, the subpoenas are not quashed due to a lack of proper service.

SUBPOENA DUCES TECUM

Glendale contends 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.)

At the January 9, 2026, PHC, Student asserted the communications sought are reasonably necessary for presenting Student's case. Parent contends that Glendale disenrolled Student during the 2025-2026 school year, and therefore, Parent no longer has access to Glendale technology that stores the requested communications. As a result, Parent contends she lacks access to certain communications necessary for presenting her case.

Parent further contends she never received documents concerning Student's academic performance, progress, and grades for the 2025-2026 school year. Regarding school discipline, Parent asserts Student was removed from class for at least three days each week of school. Parent contends she frequently received Student's in-class work to complete at home for the days he was removed, but she did not receive written notice of the removals. Parent contends the requested communications are reasonably necessary from August 1, 2024, as they include records of meetings with Glendale and of Parent's advocacy for Student beginning at that time.

First, each category of communications sought by Student could include education records. Parents are entitled to request copies of a student's educational records maintained by the school district at any time. (Ed. Code, § 56504; *Burnett v. San Mateo Foster City School District* (9th Cir. 2018) 739 Fed. Appx. 870, 873. A public agency is required to comply with a request for pupil records without unnecessary delay before any IEP team meeting or any hearing and in no case more than five business days after the request is made orally or in writing. (Ed. Code, § 56504.) To the extent Glendale possesses education records responsive to each category of documents

sought by Student's subpoena that it has not already produced to Parent, Glendale is ordered to produce such records.

Second, Student established reasonably necessity as to categories two and four in Student's subpoena, listed below. Parent made the required showing based on her contentions that Student was frequently removed from class, but Parent did not receive written notice of such removals, and Parent's access to Glendale technology was terminated, so she no longer had access to certain communications, including related to her own advocacy for Student. However, Parent did not demonstrate that text messages, instant messages, notes, or internal memos exist or are reasonably necessary, and thus, Glendale need not produce communications in these forms, unless they are education records. Accordingly, Glendale is ordered to comply with Student's subpoena duces tecum, excluding the aforementioned forms of communications, for the following two categories:

2. Behavior, discipline, and disciplinary incidents.

4. Special education services requests from parents, including all Student Support Team Meetings, Individualized Education Program evaluation request, 504 Plan meeting requests, and all requests from parent for student support services regarding psychological trauma Student endured.

Third, Student did not make the required showing of reasonable necessity as to the first, third, fifth, six, and seventh categories of communications, as listed below. Accordingly, with the exception of producing all responsive education records that it has not already produced, Glendale does not need to comply with the subpoena duces tecum as to the following categories:

1. Academic performance, progress, and grades.

3. Attendance or truancy issues.

5. Physical health, emotional health, well-being, counseling records, medical doctor notes and psychologist notes submitted to GUSD.

6. Incidents involving bullying, harassment, and GUSD staff interactions.

7. Any investigations, reports, or concerns related to the child's welfare and/or safety.

SUBPOENA FOR ATTENDANCE OF WITNESSES

In the absence of regulations pertaining to the details of subpoena processes in administrative hearings, OAH requires parties to comply with procedures described in California Civil Code. California Civil Code section 1985 governs the issuance of subpoenas. In accordance with the California Civil Code, OAH allows attorneys to issue subpoenas to witnesses to require their attendance at hearing with documents and to excuse the attendance of witnesses if documents are produced. A subpoena for the attendance of a witness must also meet the good cause requirement by a factual showing of why the testimony and/or production of records 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.)

Glendale contends the subpoena for testimony is overly broad, as it is directed to "Glendale Unified School District Staff" rather than specific individuals. Student contends it is permitted to name Glendale as an entity in the subpoena, and Student is only seeking to subpoena Glendale staff relating to the instant hearing.

Here, Student's subpoena for testimony fails to meet the good cause requirement, because Student did not identify any individual staff members sought to

testify or explain how their testimony would be material and relevant to the issue. However, nothing in this Order changes the January 14, 2026, PHC Order, which sets forth that Glendale confirmed it will make witnesses under its control reasonably available, without the need for Student to subpoena the witnesses.

ORDER

1. Glendale's motion to quash Student's subpoena duces tecum is granted in part and the subpoena is hereby modified.
    a. Glendale is ordered to immediately produce all education records responsive to each category of documents sought by Student's subpoena that it has not already produced to Parent.
    b. Glendale shall produce all responsive communications as identified in Student's subpoena, excluding text messages, instant messages, notes, and internal memos, related to Student's:
        - Behavior, discipline, and disciplinary incidents.
        - Special education services requests from parents, including all Student Support Team Meetings, Individualized Education Program evaluation request, 504 Plan meeting requests, and all requests from parent for student support services regarding psychological trauma Student endured.
        - The records shall be produced by Glendale to the ALJ through Case Center by 9:30 AM on January 21, 2026.
    c. With the exception of producing all responsive education records that it has not already produced, Glendale does not need to comply with Student's subpoena duces tecum as to the following categories:
        - Academic performance, progress, and grades.

- Attendance or truancy issues.
- Physical health, emotional health, well-being, counseling records, medical doctor notes and psychologist notes submitted to GUSD.
- Incidents involving bullying, harassment, and GUSD staff interactions.
- Any investigations, reports, or concerns related to the child's welfare and/or safety.

2. Glendale's motion to quash Student's subpoena for testimony is granted.

Daniel Senter

Daniel Senter

Administrative Law Judge

Office of Administrative Hearings