BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT

V.

PALO ALTO UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2026020661

ORDER GRANTING MOTION TO QUASH SUBPOENA, IN PART

APRIL 28, 2026

On February 17, 2026, Student filed a request for due process naming Palo Alto Unified School District. On March 17, 2026, the Office of Administrative Hearings granted the parties' continuance request, setting the Prehearing Conference for April 27, 2026, and the hearing for May 5, 6, and 7, 2026.

On or about April 10, 2026, Student issued a subpoena duces tecum, called an SDT, to Palo Alto and served the subpoena on Palo Alto's attorneys. An attachment to the subpoena listed documents for Palo Alto to produce. On April 22, 2026, Palo Alto filed a motion to quash the SDT. On April 27, 2026, Student filed opposition to the

motion to quash the SDT. The parties discussed the motion to quash the SDT, and Student's opposition, at the April 27, 2026, prehearing conference.

Student did not file a copy of the SDT with OAH at the time of issuance. Palo Alto did not include a copy of the SDT as an exhibit to its motion. However, the documents being sought by the SDT were listed, verbatim, in Palo Alto's motion. Student did not object to the accuracy of the list of items, in their opposition or at the PHC.

SUBPOENAED DOCUMENTS

An attachment to Student's SDT described the records or things to be produced. For purposes of this Order, the Attachment is viewed as Student's description of the records sought by subpoena.

The SDT's attachment lists 23 groups of documents for productions:

a. All communications among district employees, district staff and/or district contractors regarding Student between August 1, 2023, and the present, including but not limited to communications regarding IEPs, placement, assessments, IEE, and Stanbridge.

b. All communications between District personnel and Parents regarding Student during the same time period.

c. All communications between District personnel and Stanbridge Academy regarding Student.

d. All communications between District personnel and Dr. Brenden Pratt regarding Student, including the IEE.

e. All documents relating to the development of IEPs, including drafts, internal notes, preparation materials, and documents reflecting proposed offers prior to meetings.

f. All assessment records, including psychoeducational, autism-related, OT, SLP, APE, and behavioral assessments, including raw data, scoring protocols, observation notes, and internal communications regarding interpretation of assessment results.

g. All documents relating to Student's IEE, including requests, approvals, prior written notices, internal communications regarding whether to fund the IEE, and documents reflecting consideration, rejection, or minimization of IEE findings.

h. All documents relating to placement decisions, including consideration of NPS placement, denial of Stanbridge Academy, and any comparative analyses.

i. All service delivery records, including logs for SAI, OT, speech, and APE services, records of missed services, make-up services, and progress monitoring data.

j. All documents related to Student's autism-related and social-emotional needs.

k. All documents reflecting implementation of accommodations and modifications.

l. All documents relating to transition planning.

m. All staff credentials, resumes, and training records.

n. All prior written notices (PWNs) issued regarding Student.

o. All documents the District intends to rely upon at hearing.

p. All internal communications reflecting concerns, doubts, or disagreements among District staff.

q. All documents reflecting predetermined decisions regarding placement or services.

r. All documents reflecting consideration of budget, staffing, or administrative constraints.

s. All documents reflecting acknowledgement that Student required a smaller or specialized setting.

t. All documents reflecting failure or inability to implement IEP services.

u. All documents reflecting communications with legal counsel regarding Parent requests.

v. All documents reflecting training materials or policies regarding autism, IEE, or NPS.

w. All documents reflecting any deviation from standard District procedures.

APPLICABLE LAW

In general, there is no right to prehearing discovery in due process proceedings under the Individuals with Disabilities Education Act. (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); see also Ed. Code, § 56505, subd. (e).) 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.

Education Code, section 56505, subdivision (a), provides that "[t]he state hearing shall be conducted in accordance with regulations adopted by the board," and under that authority the Department of Education promulgated section 3082, subdivision (c)(2), of title 5 of the California Code of Regulations, which authorizes the issuance of subpoenas and subpoenas duces tecum. These regulations specifically disallow the provisions of the Administrative Procedures Act that provide broader authority for the use of subpoenas in other administrative hearings. (5 Cal. Code Regs., tit. 5, § 3089, [inapplicability of Govt. Code, §§ 11450.05-11450.30 to due process hearing procedures].)

While SDTs are authorized in special education hearings, their use must be consistent with the legislative and regulatory framework of these proceedings. Pre-hearing discovery in special education cases at the administrative hearing stage is limited. 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 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).)

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.) However, in special education, the good cause requirement is met by a factual showing of reasonable necessity for the documents' production. (Cal. Code Regs., tit. 5, § 3082, subd. (c)(2).) This more stringent required good cause showing of "reasonable necessity" is consistent with the IDEA.

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.

REASONABLE NECESSITY FOR THE RECORDS

Palo Alto argued that the subpoena duces tecum should be quashed because it failed to make the requisite showing of reasonable necessity for production of the requested documents.

The party who issued the subpoena meets the good cause requirement by making a factual showing of why the requested documents are reasonably necessary. (*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.) Here, the SDT's Attachment generally fails to set forth facts showing the reasonable necessity for the documents' production. (Cal. Code Regs., tit. 5, § 3082, subd. (c)(2).)

In the opposition, Student asserted that the standard for production is met. Yet Student states "subpoenas are the primary mechanism for ensuring the parties have access to relevant documents." This is not accurate. First, the IDEA clearly limits discovery and does not contemplate SDTs as a primary means of obtaining documents. Second, the parties do not have a right to subpoena "relevant" documents. The special education good cause requirement is met by a factual showing of "reasonable necessity" for production. The affidavit in the SDT's Attachment and the opposition fail to make a factual good cause showing of the reasonable necessity for the documents' production, except for the documents described in paragraph (i).

Student failed to demonstrate, by a factual showing, of reasonable necessity for the production of the remaining 22 sets of documents.

SCOPE OF THE SUBPOENA

Palo Alto contended that Student made overbroad and vague descriptions of documents, often using boilerplate language and phrases, which did not sufficiently describe the documents Student was seeking. Student replied that the administrative law judge is empowered to limit the documents to be produced and not merely quash the request.

The itemized documents descriptions begin with the word "All." The descriptions that follow, but for Item (i), are vague and overinclusive. Or, the description demonstrates on its face that Student, Parents, or Student's attorney have the documents. Item (n) specified all prior written notices issued regarding Student. Yet, by definition, a prior written notice is issued to the parent. Therefore, Parents already possess the prior written notices.

Item (j) sought all documents related to Student's autism and social-emotional needs. The description is overbroad and fails to specifically describe the document. And, it is not the administrative law judge's responsibility to somehow amend the description, when it is the subpoenaing party's responsibility to identify and describe the documents sought.

Some requests were inappropriate on their face, because they ask for documents to which they are not legally entitled. Item (u) demanded production of all documents reflecting communications with legal counsel regarding Parents' requests. Other descriptions are duplicative. Item (o) sought all documents Palo Alto intends to rely upon at the hearing. As described above, the IDEA provides for the exchange of these documents five business days prior to the date of the first day of hearing. (Ed. Code, 56505(e)(7).). And some descriptions are for documents, to be determined by Palo Alto,

which reflect Palo Alto's "predetermined decisions regarding placement or services." (Item (r).) It is the subpoenaing party's responsibility to identify the documents, and not the responding party's role to guess what the items' description includes.

Some documents were sufficiently identified. Paragraph (i) seeks the "service delivery records, including logs for special academic instruction, occupational therapy, speech and adapted physical education services, records of missed services, make-up services, and progress monitoring data." The description of these documents also sufficiently demonstrated the reasonable necessity for production.

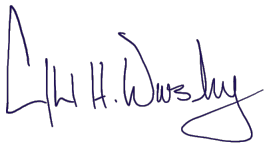
Here, Student failed to demonstrate good cause by factual showing of the reasonable necessity of the documents' production. Also, the documents' description, except for Item (i), were overbroad, duplicative, unclear, or lacked the requisite specificity.

ORDER

1. Palo Alto Unified School District's motion to quash Student's subpoena is granted, in part, and the subpoena is hereby modified.
2. Palo Alto Unified School District shall produce the following documents, for the period from February 13, 2024, to February 13, 2026:

   Service delivery records, including logs for special academic instruction, occupational therapy, speech and adapted physical education services, records of missed services, make-up services, and progress monitoring data.
3. All other documents sought by Student's subpoena duces tecum is hereby quashed.

4. Palo Alto Unified School District shall file with OAH a copy of Student's April 10, 2026 subpoena duces tecum with OAH, by 5:00 PM, Wednesday, April 29, 2026.
5. Upon receiving an invitation from OAH's electronic evidence platform, Case Center, Palo Alto Unified School District shall electronically upload the documents and records, as described in paragraph 2, to Case Center's Bundle for its response to Student's subpoena, by 5:00 PM, Friday, May 1, 2026.



Clifford H. Woosley

Administrative Law Judge

Office of Administrative Hearings