BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

CARLSBAD UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025080784

ORDER GRANTING MOTION TO QUASH SUBPOENA DUCES TECUM TO CARLSBAD

OCTOBER 30, 2025

On August 18, 2025, Parents on behalf of Student filed a request for due process hearing with the Office of Administrative Hearings naming Carlsbad Unified School District. The Office of Administrative Hearings is called OAH. Carlsbad Unified School District is called Carlsbad.

On September 4, 2025, OAH granted a continuance in this matter scheduling the case for hearing on November 4, through 6, 2025.

On October 3, 2025, Student withdrew all claims related to the 2024-2025 school year. In addition, at the prehearing conference on October 27, 2025, Parent stated on the record that Positive Development was Student's applied behavior analysis provider,

Positive Development did not provide any school-related services to Student, and Student was not making any claim, or seeking reimbursement or compensatory education, for behavior-related services in the 2023-2024 school year.

On October 16, 2025, Student issued and served a subpoena duces tecum on Carlsbad seeking two single-spaced pages of categories of records from 2021 through the present.

On October 22, 2025, Carlsbad filed a motion to quash the subpoena duces tecum served on it by Student, on the grounds that the subpoena duces tecum was not supported by a declaration of reasonable necessity.

Student did not file an opposition.

A party to a due process hearing under the Individuals with Disabilities Education Act, 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, the hearing officer shall have the right to issue subpoenas, or orders to appear and give testimony, and subpoenas duces tecum, or orders to produce documents or papers, upon a showing of reasonable necessity. (Cal. Code Regs., tit. 5, § 3082, subd. (c)(2).) This requirement is similar to, but less stringent than, that required by Code of Civil Procedure section 1985, subdivision (b), which requires a showing that 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, 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.

Here, Student's subpoena duces tecum is devoid of a showing of reasonable necessity for the voluminous records sought, many of which relate only to school years or services not at-issue in this due process proceeding. Student signed the page of the subpoena duces tecum for the declaration of reasonable necessity, but did not add any facts or argument showing that the requested documents were reasonably necessary to presentation of Student's case.

Student's subpoena duces tecum served on Carlsbad was not supported by the required declaration of reasonable necessity.

Accordingly, Carlsbad's motion to quash is granted.

IT IS SO ORDERED.

Alexa Hohensee

Alexa Hohensee

Administrative Law Judge

Office of Administrative Hearings