BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

SAN DIEGO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025101198

ORDER GRANTING DISTRICT'S MOTION TO QUASH SUBPOENA DUCES TECUM

MARCH 18, 2026

On October 30, 2026, Student filed a request for due process with the Office of Administrative Hearings, called OAH, naming San Diego Unified School District, alleging Student was denied a free appropriate education, called FAPE, during the 2025-2026 school year. Student asserts District failed to both offer an appropriate individualized education program, or IEP, regarding placement and in the areas of specialized academic instruction, one-to-one support, and behavior, and failed to properly implement the offers it made in those areas. Student also alleges District failed to collect appropriate behavioral data for a period he was in general education, and predetermined its October 17, 2025 offer of FAPE.

The hearing was scheduled to begin on March 24, 2026, but at the March 17, 2026 prehearing conference the Administrative Law Judge, called ALJ, continued the hearing to April 14 through 16, 2026.

On March 9, 2026, Student issued a subpoena duces tecum directed to the Angelia Watkins. By the subpoena, Student seeks production on March 24, 2026 of records held by District from the period of August 9, 2025 through February 17, 2026, including but not limited to, electronic records, emails, behavior logs, incident reports, and notes, regarding Student or Parent. Student also seeks all redacted IEPs for all students enrolled in kindergarten through second grade placed in extensive support needs classes in Foster Elementary School.

On March 11, 2026, District filed a Motion to Quash the subpoena on the grounds that the subpoena was improperly served by email. District also argues that Student failed to demonstrate reasonable necessity for the records because Student has failed to establish that every email or note ever written about Student and Mother is reasonably necessary to present Student's case. District also argues it is unable to produce records held by third parties because they are outside its control. It contends that Student has failed to explain what specific notes are sought and why they are reasonably necessary. It also argues Student does not need the IEPs of other students to prove his case, the request violates other students' privacy rights, and that Student failed to issue the requisite Notices to Consumer for those records. District maintains that the subpoena seeks privileged communications between District and its counsel and that the subpoena is overbroad and burdensome, going beyond the scope of the period at issue and requiring it to review and redact an exorbitant number of IEPs for other students.

On March 16, 2026, Student filed opposition to the motion. Student contends that the issue of improper service is moot because District has since been properly served. Student argues that California discovery statutes must be liberally construed in favor of disclosure unless the request is clearly improper. Student claims the subpoena establishes reasonable necessity for the records, including the stated need for internal communications to help understand the scope of District's knowledge regarding the severity of Student's need for special education services and appropriate accommodations, to help determine whether Parents were offered a clear and specific offer, and to establish Student's progress, what information District had regarding Student's behavior, and the lack of procedures to collect data.

Student asserts it has only requested documents during the relevant time period regarding those involved in Student's education and services which are maintained and within District's control. Student claims that the requested notes, behavior logs and incident reports are necessary to show Student's needs and progress that was known to District at the time of the IEP meeting. Student contends these documents may reveal certain patterns of Student's conduct, the severity and frequency of these behaviors, the extent to which these behaviors were communicated to District, and what information was available to District when implementing the IEP at issue.

Student also contends that documents pertaining to other students is crucial to the placement issue, including to prove "the effect of other students in the classroom." Student asserts that the needs of other students are directly relevant to the analysis of whether other students' needs were more significant, rendering Student's placement more restrictive than necessary. Student argues that OAH can modify Student's requests if OAH finds a lack of reasonable necessity, and that District can withhold any privileged communications. Student argues that it cannot provide notices of consumer

to Student's peers because it does not know the identity of the other students, and that District should provide any required notice for the redacted documents requested. Student disagrees that the requests are overbroad and argues District failed substantiate its burdensome objection.

SERVICE AND REASONABLE NECESSITY FOR THE RECORDS

The Individuals with Disabilities Education Act, called 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).) 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).)

In general, there is no right to prehearing discovery in due process proceedings. Rather, the law accords prehearing access to two types of documents: (i) parents have the right to request and receive the pupil's educational records within five business days at any time, and (ii) the parties are entitled to receive copies of all the documents the other party intends to use at hearing, not less than five business days prior to the hearing. (Ed. Code, §§ 56504 & 56505, subd. (e)(7).)

A subpoena duces tecum seeking production of documents on the day the hearing commences may be appropriate if the requisite showing of "reasonable necessity" is adequately made in a declaration supporting the subpoena and assuming no other legal bar to production exists. In ruling on motions to quash, 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 issuing protective orders.

District's motion to quash is granted. Even setting aside the alleged defect in email service which Student claims was cured, Student fails to explain how a subpoena directed to Angelia Watkins, as an individual, requires District as an entity, to produce any of the requested records maintained by District. Inexplicably, the subpoena, on its face, is not directed to District's custodian of records or to District itself. Moreover, there has been no showing that Watkins is District's custodian of records, or what authority she would have as an individual, to produce documents maintained by District. On this ground alone, the subpoena is defective.

In addition, the subpoena is overbroad and fails to make the requisite showing of reasonable necessity for each of the requested documents. Student appears to misunderstand the showing required for a subpoena duces tecum for a special education hearing. Student confuses the more liberal standard for discovery in civil cases of "reasonably calculated to lead to the discovery of admissible evidence," with the stricter standard of "reasonable necessity" required in special education case for production of documents at hearing. (See, Civ. Proc. § 2017.010 and Cal. Code Regs., tit. 5, § 3082, subd. (c)(2).) Throughout the papers Student relies on discovery standards, and contends the documents contain "relevant information," they "will help," "would help," "may include," "may exist," "will also help," "are probative," and the like. Assertions that the documents are "relevant" or "probative" and "might help" does not establish they are reasonably necessary for Student to present his case at hearing.

To the extent Student asserts that all the requested documents are reasonably necessary, those assertions are insufficient to justify the scope of the records requested

because they are conclusory, insufficiently supported, illogical and misguided. As an initial matter, Student fails to establish why each and every piece of paper, including every note or email ever written between August 9, 2025 and February 17, 2026 by any case manager, general education teacher, speech language pathologist, counselor, psychologist, occupational therapist, nonpublic agency or aide regarding Student or Parent is reasonably necessary for Student to present his case at hearing.

The first two requests are not limited in scope to a topic or an issue in dispute in this case, but seek every document ever written about Student or Parent by unnamed personnel without regard to their relevance to the issues. The subpoena is not a focused effort by Student at obtaining documents reasonably necessary to prove an issue in the case, but rather a fishing expedition based on an inapplicable discovery standard to obtain every document ever created pertaining to Student or Parent over a six-month period regardless of its relevance or materiality, or lack thereof, to the issues at hearing. Due to the overbreadth of the subpoena, it also improperly requires the production of privileged documents, and Student has made no attempt in the subpoena to exclude such documents from the scope of the requested documents.

Contrary to Student's assertions, Student has not demonstrated why he needs every communication ever written during this six-month period to understand the scope of District's knowledge regarding the severity of Student's need for special education. Nor does Student properly justify the breadth of his requests as related to the issues in the complaint. As an example, neither speech and language services, nor occupational therapy services appear to be at issue, and Student otherwise fails to explain why he cannot present his case without obtaining every communication with persons holding those positions.

Furthermore, the complaint in this case was filed in October 2025, and Student fails to explain in the subpoena affidavit why every document, including every communication, note, behavior log and incident report through February 17, 2026 is necessary for him to prove his case. For example, Student claims he needs notes, behavior logs and incident reports to show what District knew at the time of the IEP offer, however, the last IEP at issue was the October 17, 2025 IEP. Student provides no justification for the period following that IEP through February 2026. Student also claims he needs email communications to help determine if Student was given a clear and specific offer, however this rationale is nonsensical and fails to meet the standard of reasonable necessity. Whether an offer was clear can be determined from the face of an IEP.

Student's arguments are unconvincing to support his request for redacted IEPs of other students in kindergarten through second grade at Foster Elementary placed in extensive support needs classes. Besides otherwise being overbroad, the educational records of other students are protected by privacy laws, and it is doubtful that any redaction could alleviate those privacy concerns or remove all identifiable information. Student has also failed to establish that the IEPs of other students are reasonably necessary for Student to prove his case at hearing. Contrary to Student's assertions based on *Sacramento City Unified School Dist. v. Rachel H.* (9th Cir. 1994) 14 F.3d 1398 (*Rachel H.*), Student does not require other student's IEPs to prove that the placement District offered was not in the least restrictive environment. Such claims are routinely proven without obtaining the confidential IEPs of other students.

Student also appears to misunderstand how the *Rachel H.* factors are analyzed. The analysis of the potential negative effect of a student on his peers pertains to the peers in a general education classroom, not those in a special education classroom, as

Student incorrectly proclaims. (*Rachel H.*, at p. 1404.) Thus, Student does not require the IEPs of other students placed in a special education setting to demonstrate the potential negative effects Student's presence may have on the education of other children in the regular classroom. Similarly, *Rachel H.* does not require any analysis of how Student's special education peers are affecting him in the special education environment. Rather, the analysis pertains to the non-academic benefits of placement *in the regular classroom.* (*Id.*) Student's other argument to justify his request for his peers' redacted IEPs is also without merit. Student asserts that "if" the other student's needs are more extensive than Student's, that would demonstrate that the special education setting was not appropriate for Student. However, Student cites no authority that this is part of the least restrictive environment analysis, and on its face, the subpoena fails to meet the requisite reasonable necessity standard.

CONCLUSION

District's motion to quash is granted in its entirety. Student is not precluded from serving a new subpoena drafted in conformity with this Order, including making the required factual showing in the subpoena affidavit as to why each and every document requested is reasonably necessary for Student to prove his case. Student is forewarned that the ALJ is not inclined to modify any defective subpoena, including any subpoena that is overbroad, or lacks the requisite justification for each document requested, or because Student attempted to use the special education subpoena

procedure as a tool to conduct a fishing expedition, as opposed to a means to obtain documents which Student legitimately requires to prove his case through a carefully prepared and narrowly focused subpoena.

IT IS SO ORDERED.

Laurie Gorsline

Laurie Gorsline
Administrative Law Judge
Office of Administrative Hearings