BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

ADELANTO ELEMENTARY SCHOOL DISTRICT.

OAH CASE NUMBER 2025060065

ORDER DENYING WITHOUT PREJUDICE MOTION TO QUASH SUBPOENA

JULY 29, 2025

On June 2, 2025, Student filed a request for due process naming Adelanto Elementary School District, with the Office of Administrative Hearings, called OAH. On June 30, 2025, OAH issued an order continuing the due process hearing dates to August 19, 20, and 21, 2025.

Adelanto asserts that, on July 18, 2025, it issued four subpoenas duces tecum on the Custodian of Records for Cognitive Diagnostic Associates and related individuals associated with Cognitive Diagnostic Associates who conducted independent educational evaluations of Student. A notice to consumer was sent to Student advising

Student of the subpoenas directed to Cognitive Diagnostic Associates. OAH did not receive copies of Adelanto's subpoenas duces tecum on July 18, 2025.

On July 23, 2025, Student filed a document entitled, "Formal Parents' Objection and Motion to Quash Subpoena Duces Tecum." OAH interprets this document to be a motion to quash the subpoenas deuces tecum directed to Cognitive Diagnostic Associates. Student did not include authenticated copies of the subpoenas to his motion.

On July 28, 2025, Adelanto filed an opposition to Student's Motion to Quash. Adelanto included unauthenticated copies of the subpoenas it asserts it issued on July 18, 2025, to Cognitive Diagnostic Associates and the four independent evaluators, as well as the Notice to Consumer it served on Student.

However, the purported subpoenas did not include proofs of service establishing that Adelanto served Cognitive Diagnostic Associates or the four independent evaluators with the subpoenas. Adelanto utilized OAH's standard subpoena form, but did not fill out the included proof of service or otherwise include a separate proof of service with the attachments it filed with its opposition to Student's motion.

Student has the burden of proof as to his motion to quash. Student did not produce complete, authenticated copies of the subpoenas duces tecum at issue in Student's motion. Therefore, OAH cannot reach the substance of Student's motion or Adelanto's response. Accordingly, Student's motion to quash is denied without prejudice.

ORDER

1. Student's Motion to Quash is denied without prejudice.

2. Student may refile his motion to quash. If Student does so, Student shall include copies of the subpoenas Student seeks to quash, authenticated by a sworn declaration made under the penalty of perjury.
3. Should Student refile his motion, Adelanto may file a response within three business days.
4. Adelanto shall file copies of all subpoenas it has issued in this matter with OAH no later than August 1, 2025, so OAH may send invitations to the subpoenaed parties to upload the requested documents into Case Center.

IT IS SO ORDERED.

Ashok Pathi

Ashok Pathi
Administrative Law Judge
Office of Administrative Hearings