BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

CULVER CITY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026031026

ORDER GRANTING STUDENT'S MOTION TO QUASH CULVER CITY'S SUBPOENAS DUCES TECUM IN PART, AND MODIFYING SUBPOENAS DUCES TECUM

AUGUST 20, 2026

On March 23, 2026, Parents on behalf of Student filed a request for a due process hearing naming Culver City Unified School District, called Culver City, with the Office of Administrative Hearings, called OAH. On June 8, 2026, OAH issued an order following prehearing conference granting a continuance and setting the due process hearing for August 25, 26, and 27, 2026.

On July 31, 2026, Culver City issued subpoenas duces tecum on Custodian of Records for Rich and Associates, a Psychological Corporation, called Rich and

Associates, and Custodian of Records for edcahoots Educational Therapy, called edcahoots Educational Therapy.

A notice to consumer was sent to Student advising Student of the subpoenas duces tecum directed to Rich and Associates and edcahoots Educational Therapy. Copies of the subpoenas duces tecum were sent to Student with the notice to consumer.

The subpoena to Rich and Associates sought the following categories of records held by the company, to be produced August 25, 2026:

1. Assessment, evaluation, and discharge reports, including draft reports, that reference Student and/or Parents by name, initials, or identification number;
2. Special education documents that reference Student or Parents by name, initials, or identification number;
3. Assessments, report cards, progress reports, and testing data that reference Student or Parents by name, initials, or identification number;
4. Assessment and test protocols that reference Student or Parents by name, initials, or identification number;
5. Communication records, including email and written correspondence, that reference Student or Parents by name, initials, or identification number;
6. Any documents that reference Student's attendance or enrollment at any private school, public school, charter school, nonpublic school, or educational program;
7. Any and all documents provided to Rich and Associates by Parents or by Rich and Associates to Parents regarding Student;

8. Any and all documents provided to Rich and Associates that reference Student or Parents by name, initials, or identification number;
9. Observation notes that reference Student or Parents by name, initials, or identification number;
10. Contracts for service, enrollment records, and registration documents that reference Student or Parents by name, initials, or identification number;
11. Counseling, therapy, tutoring, or any related services logs that reference Student or Parents by name, initials, or identification number;
12. Billing records that reference Student or Parents by name, initials, or identification number;
13. All invoices related to Student from January 1, 2024 to August 25, 2026;
14. Referrals that reference Student's name, initials, or identification number that are related to Student's educational placement, educational needs, mental health needs, behavioral needs, and/or medical needs; and
15. Correspondence, including but not limited to letters and emails between: (a) Rich and Associates, its employees, representatives, contractors, or agents, and Parents regarding or relating to Student; (b) Rich and Associates, its employees, representatives, contractors, or agents, and Student regarding Student; and (c) Rich and Associates, its employees, representatives, contractors, or agents, and edcahoots and/or other staff or representatives of edcahoots regarding or relating to Student.

The subpoena to edcahoots Educational Therapy sought the following categories of records held by the company, to be produced August 25, 2026:

1. Assessment, evaluation, and discharge reports, including draft reports, that reference Student, and/or Parents by name, initials, or identification number;
2. Special education documents that reference Student or Parents by name, initials, or identification number;
3. Assessments, report cards, progress reports, and testing data that reference Student or Parents by name, initials, or identification number;
4. Assessment and test protocols that reference Student or Parents by name, initials, or identification number;
5. Communication records, including email and written correspondence, that reference Student or Parents by name, initials, or identification number;
6. Any documents that reference Student's attendance or enrollment at any private school, public school, charter school, nonpublic school, or educational program;
7. Any and all documents provided to edcahoots by Parents or by edcahoots to Parents regarding Student;
8. Any and all documents provided to edcahoots that reference Student or Parents by name, initials, or identification number;
9. Observation notes that reference Student or Parents by name, initials, or identification number;
10. Contracts for service, enrollment records, and registration documents that reference Student or Parents by name, initials, or identification number;
11. Counseling, therapy, tutoring, or any related services logs that reference Student or Parents by name, initials, or identification number;
12. Billing records that reference Student or Parents by name, initials, or identification number;

13. All invoices related to Student from January 1, 2024 to August 25, 2026;
14. Referrals that reference Student's name, initials, or identification number that are related to Student's educational placement, educational needs, mental health needs, behavioral needs, and/or medical needs; and
15. Correspondence, including but not limited to letters and emails between: (a) edcahoots, its employees, representatives, contractors, or agents, and Parents regarding or relating to Student; (b) edcahoots, its employees, representatives, contractors, or agents, and Student regarding Student; and (c), edcahoots its employees, representatives, contractors, or agents, and edcahoots and/or other staff or representatives of Rich & Associates regarding or relating to Student.

On August 10, 2026, Student filed a motion for protective order related to the two subpoenas duces tecum. OAH interprets Student's motion as a motion to quash the subpoenas duces tecum. Student argues Culver City's subpoenas duces tecum are so expansive they include confidential medical and financial records beyond the scope of the issues for the due process hearing.

A party to a due process hearing under the Individuals with Disabilities 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 documents or papers 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, 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.

Student argues that the subpoenas duces tecum should be quashed, in part, because they fail to make the requisite showing of reasonable necessity with a statement of facts showing the material and relevant information sought, for the expansive nature of the requested documents, including the possibility of confidential medical and financial information. (*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.)

Furthermore, California law recognizes a constitutional right to privacy in an individual's medical history. (See, *Pettus v. Cole*, (1996) 49 Cal. App. 4th 402, 440.["the 'zones of privacy' created by Article 1 , section 1 of the California Constitution extend to the details of one's medical history"]; *Palay v. Superior Court, (1993)* 18 Cal. App. 4th 919, 932, ["Fundamental to the privacy of medical information is the ability to control its circulation …"] The constitutional right of privacy is not absolute, but is subject to invasion where a compelling public interest is involved. (*Freed v. Home Depot U.S.A, Inc.* (S.D.Cal 2019) 2019 W.L. 183833, p. 5; *Hill v. National Collegiate Athletic Association* (1994) 7 Cal. 4th 1, 37.) State law governs an individual's right to privacy in a civil matter. (Fed. Rule Evid. 501; *Freed v. Home Depot U.S.A.* (S.D.Cal. 2019) 2019 WL 183833.)

Students do not have an absolute right to block disclosure of any information related to their medical history. A right of privacy is not absolute. (*Hill*, *supra*, at p. 38.) A court must construe any claim of waiver, due to placing medical matters at issue, narrowly and the competing compelling interest is found only where it is established that the material sought is directly relevant to the litigation. (*Freed*, *supra*, at p. 5, citing *Tylo v. Superior Court* (1993) 55 Cal. App 4th 1379, 1387.)

Culver City's declarations in support of the subpoenas state it requires the documents from Rich and Associates and edcahoots Educational Therapy because Parents are seeking reimbursement for services from the companies as part of the due process hearing. Culver City also argues that the opinions of these private services providers informed Parents' opinions as to what constitutes a free appropriate public education for Student, and as such Culver City requires the documents to defend itself in the due process hearing.

Culver City's declaration establishes that the some of the documents subpoenaed are material and relevant. Specifically, documents limited to the private services for which Parent is alleging Culver City had knowledge of and did not take into consideration in the development of IEPs at issue are material and relevant to Culver City's defense. Additionally, documents relating to the costs of the services and the payment by Parents is tied to the remedy Student seeks in the due process hearing.

However, the subpoenas duces tecum are overbroad and include documents that are not material and relevant to the due process hearing, and which may infringe on Student's and Parents' medical privacy.

An administrative law judge may modify a subpoena duces tecum, pursuant to Code of Civil Procedure section 1987.1. The subpoena duces tecum to Rich and Associates is hereby modified and limited to the following documents, to be produced August 25, 2026, redacted to exclude social security numbers, bank account numbers, credit card numbers, health insurance identification numbers, medical diagnoses other than autism and attention deficit hyperactivity disorder, and medications:

1. Assessment, evaluation, and discharge reports, including draft reports, that reference Student or Parents by name, initials, or identification number, which Rich and Associates relied on to provide services to Student or give Parents recommendations as to Student's educational needs within Culver City, from March 21, 2024, through March 21, 2026;
2. Special education documents that reference Student or Parents by name, initials, or identification number, which Rich and Associates relied on to provide services to Student or give Parents recommendations as to Student's educational needs within Culver City, from March 21, 2024, through March 21, 2026;

3. Assessments, report cards, progress reports, and testing data that reference Student or Parents by name, initials, or identification number, which Rich and Associates relied on to provide services to Student or give Parents recommendations as to Student's educational needs within Culver City, from March 21, 2024, through March 21, 2026;
4. Assessment and test protocols that reference Student or Parents by name, initials, or identification number, which Rich and Associates relied on to provide services to Student or give Parents recommendations as to Student's educational needs within Culver City, from March 21, 2024, through March 21, 2026;
5. Any documents that reference Student's attendance at any programs or services of Rich and Associates for which Parents are seeking reimbursement from Culver City, from March 21, 2024, through August 25, 2026;
6. Observation notes that reference Student by name, initials, or identification number, from March 21, 2024, through March 21, 2026, redacted to exclude observations of Student in any family counseling environments and redacted to exclude commentary on family dynamics;
7. Contracts for service, enrollment records, and registration documents that reference Student or Parents by name, initials, or identification number, for services which Parents are seeking reimbursement from Culver City, from March 21, 2024, through August 25, 2026;
8. Counseling, therapy, tutoring, or any related services logs, for educational services provided by Rich and Associates to Student, for which Parents are seeking reimbursement from Culver City, that reference Student or Parents

by name, initials, or identification number from March 21, 2024, through August 25, 2026;

9. Billing records, related to educational services, provided to Student by Rich and Associates, for which Parents are seeking reimbursement from Culver City, that reference Student or Parents by name, initials, or identification number, from March 21, 2024, through August 25, 2026;
10. All invoices related to educational services provided to Student by Rich and Associates for which Parents are seeking reimbursement from Culver City, from March 21, 2024, through August 25, 2026; and
11. Correspondence related to Student's educational needs within Culver City from March 21, 2024, through March 21, 2026, or services provided to Student by Rich and Associates for which Parents are seeking reimbursement from Culver City, from March 21, 2024, through August 25, 2026, between: (a) Rich and Associates, its employees, representatives, contractors, or agents, and Parents regarding or relating to Student; (b) Rich and Associates, its employees, representatives, contractors, or agents, and Student regarding Student; and (c) Rich and Associates, its employees, representatives, contractors, or agents, and edcahoots and/or other staff or representatives of edcahoots regarding or relating to Student.

The subpoena duces tecum to edcahoots Educational Therapy is hereby modified and limited to the following documents, to be produced August 25, 2026, redacted to exclude social security numbers, bank account numbers, credit card numbers, health insurance identification numbers, medical diagnoses other than autism and attention deficit hyperactivity, and medications:

1. Assessment, evaluation, and discharge reports, including draft reports, that reference Student or Parents by name, initials, or identification number, which edcahoots Educational Therapy relied on to provide services to Student or give Parents recommendations as to Student's educational needs within Culver City, from March 21, 2024, through March 21, 2026;
2. Special education documents that reference Student or Parents by name, initials, or identification number, which edcahoots Educational Therapy relied on to provide services to Student or give Parents recommendations as to Student's educational needs within Culver City, from March 21, 2024, through March 21, 2026;
3. Assessments, report cards, progress reports, and testing data that reference Student or Parents by name, initials, or identification number, which edcahoots Educational Therapy relied on to provide services to Student or give Parents recommendations as to Student's educational needs within Culver City, from March 21, 2024, through March 21, 2026;
4. Assessment and test protocols that reference Student or Parents by name, initials, or identification number, which edcahoots Educational Therapy relied on to provide services to Student or give Parents recommendations as to Student's educational needs within Culver City, from March 21, 2024, through March 21, 2026;
5. Any documents that reference Student's attendance at any programs or services of edcahoots Educational Therapy for which Parents are seeking reimbursement from Culver City, from March 21, 2024, through August 25, 2026;
6. Observation notes that reference Student by name, initials, or identification number, from March 21, 2024, through March 21, 2026,

redacted to exclude observations of Student in any family counseling environments and redacted to exclude commentary on family dynamics;

7. Contracts for service, enrollment records, and registration documents that reference Student or Parents by name, initials, or identification number, for services which Parents are seeking reimbursement from Culver City, from March 21, 2024, through August 25, 2026;
8. Counseling, therapy, tutoring, or any related services logs, for educational services provided by edcahoots Educational Therapy to Student, for which Parents are seeking reimbursement from Culver City, that reference Student or Parents by name, initials, or identification number from March 21, 2024, through August 25, 2026;
9. Billing records, related to educational services, provided to Student by edcahoots Educational Therapy, for which Parents are seeking reimbursement from Culver City, that reference Student or Parents by name, initials, or identification number, from March 21, 2024, through August 25, 2026;
10. All invoices related to educational services provided to Student by edcahoots Educational Therapy, for which Parents are seeking reimbursement from Culver City, from March 21, 2024, through August 25, 2026; and
11. Correspondence related to Student's educational needs within Culver City from March 21, 2024, through March 21, 2026, or services provided to Student by edcahoots Educational Therapy for which Parents are seeking reimbursement from Culver City, from March 21, 2024, through August 25, 2026, between: (a) edcahoots Educational Therapy, its employees, representatives, contractors, or agents, and Parents regarding or relating

to Student; (b) edcahoots Educational Therapy, its employees, representatives, contractors, or agents, and Student regarding Student; and (c) edcahoots Educational Therapy, its employees, representatives, contractors, or agents, and Rich and Associates and/or other staff or representatives of Rich and Associates regarding or relating to Student.

IT IS SO ORDERED.

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Cararea Lucier
Administrative Law Judge
Office of Administrative Hearings