BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

IRVINE UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026041147

ORDER GRANTING MOTION TO QUASH SUBPOENAS DUCES TECUM TO MARY MCGRAIL, NAPA CENTER, DR. BALLINGER, AND RADY CHILDREN'S HOSPITAL OF ORANGE COUNTY, AND DENYING MOTION TO QUASH AS TO DR. HUSSAIN AND DR. WALDRON AS MOOT

AUGUST 23, 2026

On April 24, 2026, Student filed with the Office of Administrative Hearings, OAH, a request for due process naming Irvine Unified School District. On July 16, 2026, OAH granted Student's motion to amend. This matter is scheduled for hearing beginning September 1, 2026.

On August 12, 2026, Irvine issued six subpoenas duces tecum each with a Notice to Consumer. The subpoenas were issued to Dr. Shaun Hussain and Dr. Lauren Waldron of UCLA Mattel Children's Hospital, Mary McGrail of Unlimited Possibilities, Cecilia Zapien as Custodian of Records at NAPA Center, Dr. Beth Ballinger of Newport Beach Developmental Optometry and Marina Bulkin as Custodian of Records at Rady Children's Hospital of Orange County.

The subpoenas duces tecum generally directed the recipient to produce any and all records regarding Student from June 9, 2025, to the present, and to upload the requested documents to OAH's electronic evidence platform called Case Center by September 1, 2026, the first day of hearing, in accordance with OAH procedures.

Irvine's subpoenas duces tecum identified several categories of documents to be produced, specifically:

- Assessment reports, treatment plans, service logs, progress notes, behavioral observations, and documentation related to Student's services and treatments;

- Specific to the NAPA Center subpoena, any and all records regarding Student's attendance and services including intake records, discharge records, transcripts, invoices, receipts, letters, e-mails, and agreements, service descriptions and payments, grades, transcripts, assessments, observations, behavior plans, treatment plans, progress reports, service logs, health records, mental health records, and data sheets;

- Any and all information, documents, and records considered, prepared, and/or relied upon in forming opinions and recommendations regarding Student's educational and educationally related health needs;

- Any and all records reflecting communications with Parents regarding Student, including e-mails, letters, or other correspondence;

- Specific to the NAPA, McGrail, and Rady subpoenas, Parent communications regarding Student's attendance, evaluations, educational progress, IEP development, services, accommodations, concerns, invoices, receipts, or other matters related to Student's education and/or medical needs;

- All records containing communications, including e-mails, letters, or other correspondence, with Student's legal team regarding Student's educational needs and programming;

- Specific to the NAPA, McGrail, and Rady subpoenas, attorney communications regarding Student's attendance, evaluations, educational progress, IEP development, services, accommodations, concerns, invoices, receipts, or other matters related to Student's education and/or medical needs.

On August 18, 2026, Student filed a motion to quash or modify each of the six subpoenas duces tecum. Student asserts the subpoenas should be quashed or modify on the grounds Irvine has failed to establish reasonable necessity for the requested documents, impermissibly seeks protected attorney work product, and are overbroad in scope and time. Student further contends the subpoena duces tecum to NAPA Center seeks privileged mental health records and in serving both Rady Children's Hospital, the successor agency to Unlimited Possibilities, Irvine has issued overlapping and duplicative subpoenas.

On August 21, 2026, Irvine filed a response to Student's motion to quash. Irvine specifically withdraws its subpoenas duces tecum to Dr. Hussain and Dr. Waldron and asks that Student's motion be denied as moot as to those two recipients. Irvine argues the remaining subpoenas request records that are relevant and material to, and bear directly upon, the issues raised by Student. As such, Irvine claims the requested records are reasonably necessary for Irvine to present its defense. Irvine calls on OAH to narrow or modify its subpoenas duces tecum, rather than quash them. Irvine argues that any requested records containing privileged or protected communications can be withheld from production. Irvine notes it does not oppose modification of the subpoena duces tecum to NAPA Center to exclude mental health records unrelated to the hearing issues, and invoicing, billing or payment records for private services for which Student is not seeking reimbursement. Irvine takes issue with Student's characterization of its subpoenas as a "fishing expedition," and argues OAH must review all produced records to determine their relevance, so Irvine would not have unfettered access to Student's private records.

In its response, Irvine attempts to include additional support for the requested records. Specifically, Irvine notes that Student listed two NAPA Center evaluations as evidentiary exhibits. Irvine now argues that records underlying those two evaluations are reasonably necessary for Irvine to evaluate the basis for opinions contained in those reports.

APPLICABLE LAW

A party to a due process hearing under the Individuals with Disabilities in 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 document(s) or paper(s) upon a showing of reasonable necessity by a party)." (Cal. Code Regs., tit. 5, § 3082, subd. (c)(2).)

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 sometimes 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.

Contrary to Irvine's assertion, the "reasonable necessity" standard required by Title 5 of the California Code of Regulations, Section 3082, subd. (c)(2), is a distinct, more stringent standard then the "good cause" standard articulated in the 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.)

REASONABLE NECESSITY FOR THE RECORDS

Student's argument that Irvine's subpoenas duces tecum should be quashed because they fail to make the requisite showing of reasonable necessity for the requested documents is persuasive. Irvine's statement of reasonable necessity in each of the subpoenas duces tecum globally asserts, "Production of the requested documents is critical to Irvine's ability to prepare a defense in this case and Irvine has demonstrated reasonable necessity and is, therefore, entitled to such information pursuant to 5 C.C.R., § 3082." This conclusory statement fails to meet the requisite showing of reasonable necessity, meaning a specific showing that the requested documents are reasonably necessary for the requesting party to present a case at hearing.

Irvine's statement of reasonable necessity additionally asserts, it is informed and believes McGrail/ Ballinger/ Rady Children's Hospital may be called by Student as witnesses and will testify as to their opinions regarding Student's needs and the appropriateness of Student's educational program. Again, this global assertion of witness testimony falls short of establishing reasonable necessity for the requested records. While Irvine attempts to provide some additional support for the requested records in its response, both the subpoena form and basic fairness require, the justifications for the subpoena must appear on the face of the subpoena as served, not in a subsequent pleading responding to a motion to quash. (See OAH Subpoena Duces Tecum form, p. 5 ("the subpoenas must describe, in detail, . . . why the information sought is 'reasonably necessary' to prove the party's case, in order for the subpoena to be valid."); Code of Civ. Proc., § 1985, subd. (b)("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.).

Irvine failed to make any particularized showing of reasonable necessity as it relates to the voluminous records requested. Irvine defends its subpoenas duces tecum by equating "reasonable necessity" in the regulation with "relevant" and "material" in civil discovery rules, and then argues that the document demanded are relevant and material to the issues in this case. Irvine uses these terms interchangeably in its argument.

The Code of Civil Procedure does not, by its terms, apply to special education due process hearings. It is true that OAH sometimes looks to analogous provisions of that Code when special education law does not specifically address a subject. OAH does not, however, rely on analogies to the Code of Civil Procedure when the question at issue has a specific answer in special education law. One such specific answer concerns the standard for issuance of subpoenas duces tecum.. (Cal. Code Regs., tit. 5, § 3082, subd. (c)(2).) If Irvine was correct in conflating civil discovery standards with special education subpoena requirements, the reasonable necessity standard would be meaningless. Irvine's equation of relevant and material with reasonable necessity essentially reads reasonable necessity out of the governing regulation. "Reasonable necessity" as required by the governing State regulation is not the same as "relevant" and "material" in civil discovery rules.

The history of the reasonable necessity standard shows it was intended to be more demanding than the more general rules of civil discovery. The good cause requirement of subdivision (b) of section 1985 of the Code of Civil Procedure has been incorporated into the Administrative Procedure Act. (Gov. Code, § 11450.20, subd. (a).). Rather than accept that standard, the State Board of Education, in adopting the

reasonable necessity standard, expressly exempted special education due process proceedings from section 11450.20 of the Government Code, (5 Cal. Code Regs., tit 5, § 3089) and used the phrase reasonable necessity instead. (*Id.*, § 3082, sub. (c)(2).) That choice would be meaningless if reasonable necessity meant the same thing as good cause.

Accordingly, the subpoenas failed to comply with the requirement that it be accompanied by a declaration establishing reasonable necessity for production of the records. Given Irvine's failure to establish reasonable necessity for or the requested records, OAH declines to modify its subpoenas. Having determined the subpoenas failed to make the required showing of reasonable necessity, there is no need to address the other asserted grounds to quash the subpoena.

Student's motion to quash Irvine's four remaining subpoenas duces tecum issued to on August 12, 2026, is Granted. Irvine's subpoenas duces tecum issued to Mary McGrail of Unlimited Possibilities, Cecilia Zapien as Custodian of Records at NAPA Center, Dr. Beth Ballinger of Newport Beach Developmental Optometry and Marina Bulkin as Custodian of Records at Rady' Children's Hospital of Orange County are hereby quashed.

Irvine has withdrawn its subpoenas duces tecum issued to Dr. Shaun Hussain and

Dr. Lauren Waldron of UCLA Mattel Children's Hospital. Accordingly, Student's motion to quash these subpoenas is denied as moot.

IT IS SO ORDERED.

Theresa Ravandi

Theresa Ravandi
Administrative Law Judge
Office of Administrative Hearings