BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. CAPISTRANO UNIFIED SCHOOL DISTRICT AND COMMUNITY ROOTS ACADEMY. ,	OAH Case No. 2016020288
CAPISTRANO UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2016010119 ORDER FOR FURTHER INFORMATION

The due process hearing in this matter began on June 1, 2016. At the beginning of the hearing, Capistrano Unified School District and Community Roots Academy (collectively, Districts) made an oral motion to enforce a subpoena duces tecum served on Dr. Perry Passaro, or to certify the matter for purposes of enforcement to an appropriate court. The subpoena requested that Dr. Passaro produce records on the first day of hearing relating to his independent assessment of Student.

Counsel for Districts represented that Dr. Passaro had not produced the records as ordered by the subpoena. The record in this case does not show any motion filed by Dr. Passaro to quash the subpoena. Student's mother, who is representing him in this matter, acknowledged that Dr. Passaro's office had informed her that he would not produce the records without either a court order or a waiver signed by Mother. Mother digitally signed the waiver and sent it to Dr. Passaro, but, as of the second day of hearing, Dr. Passaro had not yet produced the records.

To support their request for an order certifying this issue for contempt to a superior court, Districts are directed to file a declaration addressing when and how Dr. Passaro was served with the subpoena duces tecum. The paperwork submitted by Districts on June 2, 2016, to the Office of Administrative Hearings does not include a proof of service on Dr. Passaro.

IT IS SO ORDERED.

DATE: June 3, 2016

DocuSigned by:
Darrell Lepkowsky
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DARRELL LEPKOWSKY
Administrative Law Judge
Office of Administrative Hearings