

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SOUTH PASADENA UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2011060001

ORDER DENYING REQUEST FOR  
RECONSIDERATION AND  
GRANTING REQUEST FOR  
CLARIFICATION OF AUGUST 11,  
2011 ORDER

On August 11, 2011, the undersigned administrative law judge issued an order granting in part and denying in part District's motion to quash a subpoena duces tecum (SDT) to Robert Yim. The order required Yim, an assistant principal employed by the District, to produce copies of mail and email between Yim and Student's parents (Parents) if they exist and were not previously produced to Student. On August 19, 2011, the District filed a motion for reconsideration and clarification. Student has not filed a response.

APPLICABLE LAW

The Office of Administrative Hearings will generally reconsider a ruling upon a showing of new or different facts, circumstances, or law justifying reconsideration, when the party seeks reconsideration within a reasonable period of time. (See, e.g., Gov. Code, § 11521; Code Civ. Proc., § 1008.) Here, the District cites the new fact to permit reconsideration as the issuance of the August 11, 2011 order as to District's motion to quash the Yim SDT. This contention is completely without merit and is nothing more than an attempt to re-litigate the District's motion. Accordingly, the District's motion for reconsideration is denied.

The District requests clarification of what emails are covered by the order. The request for clarification is granted.

CLARIFICATION OF THE AUGUST 11, 2011 ORDER

An email is an educational record only if it both contains information related to the student and is maintained by the educational agency. (*S.A. v. Tulare County Office of Education* (E.D. Cal. 2009) 2009 WL 3296653, at p. 3 (*Tulare*)). Here, Student is seeking production of mail and emails between Yim and Parents. Correspondence between the District and parents is part of the education records maintained by a school district. The

order specifically limits the production of correspondence, either mail or email, to those that exist and were not previously produced to Student. The *Tulare* court defined maintained emails as ones which are printed out and placed in student's file. (2009 WL 3296653, at p.4.) Thus, Yim is required only to produce those emails that have been printed out.

Accordingly, District's request for clarification is Granted.

IT IS SO ORDERED.

Dated: August 19, 2011

/s/

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ROBERT HELFAND  
Administrative Law Judge  
Office of Administrative Hearings