

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

BONSALL UNION SCHOOL DISTRICT.

OAH CASE NO. 2011111030

ORDER DENYING MOTION TO
QUASH SUPOENA DUCES TECUM
AS MOOT

Parents on behalf of Student (Student) filed a request for due process hearing (complaint) on November 28, 2011, naming the Bonsall Union School District (District) as respondent. Among other issues, the complaint alleges that the District failed to provide Student with a free appropriate public education by failing to provide her with an appropriate program and services, by exiting Student from special education eligibility despite Student's special needs, and by failing to find her again eligible for special education after the District had exited her from eligibility.

On February 13, 2011, the District served a subpoena duces tecum on (Dr.) Mitchel Perlman, seeking documents in his possession relating to an assessment he had done of Student. The subpoena required the personal appearance of Dr. Perlman, along with production of the documents, on March 12, 2012, at the District's offices in Bonsall, for the previously scheduled first day of hearing in this matter. On February 16, 2012, Student filed a motion to quash the subpoena.

On February 20, 2012, the Office of Administrative Hearings (OAH) granted the parties' joint motion to amend the complaint. On February 22, OAH issued a new scheduling order setting the hearing in this matter for April 24, 2012. Because the District's subpoena is returnable on a date that has since been vacated by OAH, the subpoena is no longer valid. Student's motion to quash is therefore denied as moot.

IT IS SO ORDERED.

Dated: February 27, 2012

/s/

DARRELL LEPKOWSKY
Administrative Law Judge
Office of Administrative Hearings