

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

v.

VICTOR VALLEY UNION HIGH SCHOOL
DISTRICT,

OAH CASE NO. 2012090744

VICTOR VALLEY UNION HIGH SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2012070653

ORDER QUASHING SUBPEONA FOR
APPEARANCE OF ADMINISTRATIVE
LAW JUDGE CARLA L. GARRETT

Student sent a subpoena to Administrative Law Judge Carla L. Garrett to appear at a hearing in this matter scheduled for January 30, 2013.

A party to a due process hearing under the Individuals with Disabilities in Education Act (IDEA) has the right to present evidence and compel the attendance of witnesses at the hearing. (20 U.S.C. § 1415(h)(2); Ed. Code, § 56505, subs. (e)(2), (3).) The provisions of the Administrative Procedure Act governing subpoenas do not apply to special education hearings. (Cal. Code Regs., tit. 5, § 3089.) Subpoenas may be issued upon a showing of reasonable necessity by a party. (*Id.*, § 3082, subd. (c)(2).)

There is no known circumstance by which the testimony of Administrative Law Judge Carla L. Garrett would be relevant in this proceeding. Accordingly, the subpoena dated September 24, 2012, that was sent to Administrative Law Judge Carla L. Garrett is quashed.

Dated: December 12, 2012

/s/

JUDITH A. KOPEC

Division Presiding Administrative Law Judge
Office of Administrative Hearings

