

VIRGINIA:

SPECIAL EDUCATION DUE PROCESS HEARING

	)	
	)	
Complainant,	)	
	)	
v.	)	In Re: Student
	)	
FAIRFAX COUNTY PUBLIC SCHOOLS,	)	
	)	
Respondent.	)	

**SUBPOENA DUCES TECUM**

To:

YOU ARE COMMANDED, pursuant to Virginia Code § 22.1-214.1, to produce for inspection and copying all documents pertaining in whole or in part to (“ ”)

(DOB: ), including, without limitation, the documents enumerated below:

1. Any private evaluations, private assessments, and private reports concerning which have not been conducted by or previously provided to Fairfax County Public Schools (“FCPS”), for all private educational, psychological, assistive technology, vision, occupational, auditory/audiological, speech, or other therapy testing;
2. All documents (including but not limited to electronic documents, emails, audio tapes, and other recordings) that pertain to, or form any part of the factual basis for, any of the factual allegations, or the requests for relief, made in your Due Process Complaint;
3. All documents (including but not limited to electronic documents, emails, audio tapes, and other recordings), not previously provided to or created by FCPS, which pertain to what you contend is an appropriate program for as alleged in your Due Process Complaint;
4. All documents (including but not limited to electronic documents, emails, audio tapes, and other recordings), not previously provided to or created by FCPS, which pertain to your contention that Just Words is an inappropriate program for , as alleged in your Due Process Complaint;
5. All documents (including but not limited to electronic documents, emails, audio tapes, and other recordings), in your possession wherein FCPS—and specifically Angelina Prestipino—has indicated Just Words will address needs, as alleged in your Due Process Complaint;

6. All documents (including but not limited to electronic documents, emails, audio tapes, and other recordings), not previously provided to or created by FCPS, which pertain to what you contend is an appropriate compensatory education or services for \_\_\_\_\_, or that you have requested or proposed for \_\_\_\_\_;
7. All documents (including but not limited to any notes, electronic documents, emails, recordings, and transcripts), not previously provided to or created by FCPS, pertaining to any meeting between you and any member of FCPS' staff;
8. All applications, reports, correspondence, notes, emails, progress reports, and other documents created and/or received by or concerning any private school, facility, tutoring, speech/language, assistive technology, occupational, auditory/audiological, or other educational or therapy program that \_\_\_\_\_ is attending, has attended over the past three (3) years, and/or that you are seeking, or may seek, to have him attend;
9. All reports, drafts, correspondence, notes, emails, progress reports and other documents created and/or received by or concerning any private services provided to \_\_\_\_\_, including any medical, psychiatric, psychological, educational, counseling, and therapy services or assessments (including but not limited to speech/language, assistive technology, vision, occupational, auditory/audiological), which were not previously provided by you to FCPS, that \_\_\_\_\_ is receiving, has received or participated in the past three (3) years, and/or that you are seeking or may seek to have him participate in;
10. All emails and correspondence from and to any private evaluator or service provider;
11. All emails and correspondence from and to any educational advocate;
12. All bills, statements, checks, or other documents that set forth the nature, date, and/or amount of any tuition, services or other items for which you seek reimbursement in this case;
13. All claim forms, policies, or other documents that concern any claim for insurance payment for any part of the expenses of any school or facility for which you seek reimbursement in this case; and
14. All documents, including any electronic documents or e-mails, relating to the amount, nature, and/or date of any services for which funding is being requested.

Documents should be produced at the office of Wesley D. Allen, Esquire, Blankingship & Keith, P.C., 4020 University Drive, Suite 300, Fairfax, Virginia, 22030 on or before September 18, 2020. In lieu of producing the originals, copies of the documents may be mailed, so long as they are received on or before September 18, 2020. Questions may be addressed to Wesley Allen, Blankingship & Keith, P.C. at (703) 691-1235.

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Rhonda J. Mitchell, Esq.  
Hearing Officer

Certificate of Service

I certify that on the 31st day of August 2020 a copy of the attached Subpoena Duces Tecum was sent by electronic and first-class mail to:

*Complainant*



\_\_\_\_\_  
Counsel