

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN DIEGO UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2014120525

NOTICE OF EX PARTE
COMMUNICATION

On March 9, 2015, Student's mother contacted the Office of Administrative Hearings by telephone and spoke to an OAH case clerk, who informed her to put her concerns in writing to OAH. On March 10, 2015, OAH received by fax transmission a letter from Student's mother, addressed to Administrative Law Judge Paul H. Kamoroff, who is presently assigned to hear this matter. Nothing indicates that Mother sent a copy of her letter to the legal counsel of San Diego Unified School District. ALJ Kamoroff has seen the contents of the March 10, 2015 letter.

Ex parte communications are not permitted while a due process proceeding is pending. "[W]hile special education due process hearing proceedings are pending there shall be no communication, direct or indirect, regarding any issue in the proceeding, to a hearing officer from an employee or representative of a party or from an interested person unless the communication is made on the record at the hearing." (Cal. Code. Regs., tit. 5, § 3084, subd. (a).) When an ex parte communication is received, the ALJ presiding over the matter must disclose the communication to all parties, make it part of the record, and may allow the parties an opportunity to address the matter. (Cal. Code. Regs., tit. 5, § 3084, subds. (c) – (e).)

Student is hereby instructed to send a copy of the March 10, 2015 letter to District's legal counsel by 3:00 p.m., on March 12, 2015, and file concurrently with OAH proof of service on District's legal counsel. Any response by District shall be filed and served on OAH and Student's mother by 5:00 p.m. on March 13, 2015. If Student fails to provide

District's legal counsel with of the March 10, 2015 letter, OAH shall provide District's legal counsel with a copy and permit District to respond.

IT IS SO ORDERED.

DATE: March 11, 2015

/s/

PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings