BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

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| In the Consolidated Matters of:<br><br>PARENT ON BEHALF OF STUDENT,<br><br>v.<br><br>ETIWANDA SCHOOL DISTRICT, | OAH Case No. 2018030111 |
| ETIWANDA SCHOOL DISTRICT,<br><br>v.<br><br>PARENT ON BEHALF OF STUDENT. | OAH Case No. 2018030816<br><br>ORDER DISCLOSING STUDENT'S EX PARTE COMMUNICATION TO ETIWANDA SCHOOL DISTRICT AND NOTICE OF NO ACTION |

On April 13, 2018, the Office of Administrative Hearings received from Student's parent a motion for sanctions against Etiwanda School District and its attorneys in the above referenced case. It does not appear that Parent provided District's attorney with a copy of this motion.

The April 13, 2018 motion filed by Parent on behalf of Student is deemed an ex parte communication during the pendency of the proceedings in the above captioned case.

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 administrative law judge presiding over the matter must disclose the communication to all parties, make it part of the record, and allow the parties an opportunity to address the matter within 10 days of receipt of the notification of communication. (Cal. Code. Regs., tit. 5, § 3084, subds. (c)-(e).)

Here, the ex parte communication was made to OAH with the expectation that the Administrative Law Judge assigned to hear this matter would read the document and intended to affect the conduct of the hearing. As such, it must be disclosed to all parties, and made a part of the record. This Notice therefore discloses the communication to District.

The April 13, 2018 motion shall be attached to this Notice and shall be made part of the record in this matter. The undersigned has taken no actions based upon the allegations contained in April 13, 2018 letter, and OAH shall take no action in response to the motion as Parent did not serve a copy of the motion on District's attorney, other than to remind Parent that a copy of any document submitted to OAH must also be provided to District's counsel at the same time.

IT IS SO ORDERED.

DATE: April 27, 2018

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Peter Paul Castillo
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PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings