BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

VISIONS IN EDUCATION CHARTER SCHOOL.

OAH CASE NUMBER 2026010806

ORDER DENYING MOTION TO DISMISS FOR LACK OF JURISDICTION, FAILURE TO COMPLY WITH SUPERIOR COURT ORDER, AND FAILURE TO PARTICIPATE IN RESOLUTION SESSION, AND ORDER CONTINUING PREHEARING CONFERENCE AND DUE PROCESS HEARING AND ORDERING PARTICIPATION IN A RESOLUTION SESSION WITHIN 15 DAYS OF THIS ORDER

MARCH 12, 2026

On January 20, 2026, Parent 1 filed a Request for Due Process Hearing, referred to as a complaint, with the Office of Administrative Hearings, naming

Visions in Education Charter School, called Visions Charter. Parent 1 named himself and Parent 2 as the people filing the complaint on behalf of Student. The Office of Administrative Hearings is referred to as OAH.

On January 26, 2026, Visions Charter filed a notice of insufficiency. OAH determined the complaint was insufficiently pleaded on January 28, 2026, and afforded Student 14 days to file an amended complaint. On February 2, 2026, Parent 2 objected to being named as a petitioner in the case, stating she did not agree with Parent 1 and did not want to be a petitioner in the administrative law case.

On January 30, 2026, the Superior Court for the State of California, County of Contra Costa, entered an Order determining Parent 1 is a vexatious litigant as defined in Code of Civil Procedure section 391, subdivision (b)(3), and imposing a prefiling order under Code of Civil Procedure section 391.7, subdivision (a), which went into effect immediately. The prefiling order prevents Parent 1 from "filing any new litigation in the courts of California without approval of the presiding justice or presiding judge of the court in which the action is to be filed," and specifies Parent 1 will require "the pre-approval of the Presiding Judge of Contra Costa Superior Court, currently The Honorable Christopher Bowen."

A factor in the Contra Costa Superior Court's determination that Parent 1 is a vexatious litigant was Parent 1's filing of this due process case against Visions Charter. OAH had determined the original complaint insufficiently pleaded and afforded Student time to amend the complaint, but the Contra Costa Superior Court understood that complaint to have been against "the minor's school district" and to have been dismissed. Parent 2 informed the Contra Costa Superior Court she believed Parent 1, intended "in the near future" to file a civil case against what the Contra Costa Superior Court understood to be "the minor's school district," but which likely was

Visions Charter. The Superior Court noted, "These acts, while they do not squarely fit within the purview of this court, illustrate the kind of behavior that the vexatious litigant statute seeks to guard against; unyielding, meritless and harassing litigation tactics which serve little purpose."

On February 9, 2026, Parent 1 timely filed an amended complaint on behalf of Student. Visions Charter received the amended complaint by mail on February 12, 2026. At least superficially, the amended complaint asserts Visions Charter "significantly impeded Father's meaningful participation in the [individualized education program] process and deprived the [individualized education program] team of reliable information necessary to develop and implement an appropriate educational program" for Student. The amended complaint describes Visions Charter having significantly impeded Parent 1's meaningful participation as a "procedural violation" of the Individuals with Disabilities Education Act and to have resulted in a "continued denial of [free appropriate public education] to Student." The prehearing conference is scheduled for March 23, 2026, and the due process hearing is scheduled to start on April 2, 2026.

On February 18, 2026, Visions Charter filed a Motion to Dismiss alleging OAH lacks jurisdiction to adjudicate the claims of the amended complaint and that Parent 1, was prohibited from filing this administrative law matter by the January 30, 2026, Prefiling Order – Vexatious Litigant and Findings and Order after Hearing from the Contra Costa County Superior Court. OAH received no response from Student to the original motion to dismiss.

On March 2, 2026, Visions Charter filed a Notice of Insufficiency asserting the amended complaint Visions Charter received on February 12, 2026 was insufficiently pleaded. On March 3, 2026, OAH determined Visions Charter failed to timely file the Notice of Insufficiency within 15 days of the date on which Visions Charter received the

amended complaint. For that reason of the untimely challenge only, OAH deemed Student's amended complaint sufficient.

On March 4, 2026, Visions Charter filed a supplement to its motion to dismiss, with additional exhibits, and asserting as an additional basis to dismiss the case Parent 1's repeated failure and refusal to participate in a resolution session Visions Charter attempted to coordinate after Parent 1 filed the original complaint. OAH received no response from Student after Visions Charter's supplement to the motion to dismiss.

OAH HAS JURISDICTION OVER STUDENT'S CLAIMS OF THE AMENDED COMPLAINT

The purpose of the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et. seq.) is to "ensure that all children with disabilities have available to them a free appropriate public education," and to protect the rights of those children and their parents. (20 U.S.C. § 1400(d)(1)(A), (B), and (C); see also Ed. Code, § 56000.) A party has the right to present a complaint "with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to such child." (20 U.S.C. § 1415(b)(6); Ed. Code, § 56501, subd. (a) [party has a right to present a complaint regarding matters involving proposal or refusal to initiate or change the identification, assessment, or educational placement of a child; the provision of a free appropriate public education to a child; the refusal of a parent or guardian to consent to an assessment of a child; or a disagreement between a parent or guardian and the public education agency as to the availability of a program appropriate for a child, including the question of financial responsibility].) The jurisdiction of OAH is limited to these matters. (*Wyner v. Manhattan Beach Unified School. Dist.* (9th Cir. 2000) 223 F.3d 1026, 1028-1029.)

OAH does not have jurisdiction to decide claims based on Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 701 et seq.), Section 1983 of Title 42 United States Code, the Americans with Disabilities Act (42 U.S.C. §§ 12101, et seq.), or the Unruh Civil Rights Act (Civ. Code, § 51).

Student's complaint asserts Visions Charter denied Student a free appropriate public education, called FAPE, because Visions Charter significantly impeded Parent 1's meaningful participation in the process of developing Student's individualized education program, called an IEP. The complaint also asserts the fact that Parent 1's participation was significantly impeded deprived the IEP team of reliable information necessary to develop and implement an appropriate educational program.

The amended complaint facially asserts claims regarding FAPE and they are therefore within OAH's jurisdiction. Visions Charter may seek clarification of the issues at the prehearing conference.

Visions Charter's motion to dismiss the amended complaint for lack of jurisdiction is denied.

PARENT 1 IS NOT CURRENTLY BARRED FROM FILING WITH OAH

The January 30, 2026 Prefiling Order – Vexatious Litigant entered by the Contra Costa County Superior Court has effect in all "courts of California." However, it is not apparent by its terms that it requires "approval of the presiding justice or presiding judge of the court in which the action is to be filed" outside courts of the judicial branch of the State of California.

In some contexts, OAH is included within the definition of a court. For example, the State Bar Act and the Rules of Professional Conduct apply to proceedings before

OAH. OAH is a "court" within the meaning of Business and Professions Code section 6103, which authorizes sanctions for an attorney's dereliction of duties. (*In the Matter of Moriarty* (Cal. Bar Ct., Apr. 20, 2017) 5 Cal. State Bar Ct. Rptr. 511, 522, 2017 WL 1424407 at **7-8.) OAH is a "court" for purposes of the requirements under Business and Professions Code section 6086.7, subdivision (a)(3), that a court notify the State Bar of California when an attorney is sanctioned $1,000 or more.

But the January 30, 2026 Prefiling Order – Vexatious Litigant, shared with the Judicial Council of California so it can have effect in all California courts, was not provided to or ordered to be provided to OAH. Absent a direct order from the Contra Costa County Superior Court that Parent 1 is "prohibited from filing any new litigation" with OAH, whether a new complaint or a new motion in this existing matter, OAH will not require review by any of OAH's presiding judges of any document proposed to be filed by Parent 1 with OAH before allowing the document to be filed.

Visions Charter's motion to dismiss the amended complaint for violation of the January 30, 2026 Prefiling Order – Vexatious Litigant and Findings and Order after Hearing entered by the Contra Costa County Superior Court is denied.

RESOLUTION SESSION

A local educational agency is required to meet with the parents and student's relevant IEP team members within 15 days of receiving Student's complaint. (20 U.S.C. § 1415(f)(1)(B)(i)(I); 34 C.F.R. § 300.510(a)(1) (2006). The meeting, called a resolution session, can be waived in writing by both parties or if they agree to use mediation. (34 C.F.R. § 300.510(a)(3).) If the parents do not attend the resolution session, and it was not waived, there is no due process hearing until the resolution session is waived or held. (34 C.F.R. § 300.510(b)(3).) The local educational agency can request the case be

dismissed after the 30-day period, if it documented reasonable efforts to hold the resolution session and the parents did not attend. (34 C.F.R. § 300.510(b)(4).)

The purpose of the resolution session is for the parents of the child to discuss the due process complaint, and the facts that form the basis of the due process complaint, so that the local educational agency has the opportunity to resolve the dispute that is the basis for the due process complaint. (34 C.F.R. § 300.510(a)(2).)

Visions Charter provided sufficient evidence it repeatedly attempted to schedule and convene a resolution session after Parent 1 filed the original complaint. The correspondence from Parent 1 in response to those attempts established Parent 1, refused to participate in a resolution session regarding the original complaint. Further, a preponderance of the evidence establishes Parent 1 would similarly reject any attempts by Visions Charter to schedule a resolution session regarding the amended complaint.

However, the filing of the amended complaint on February 9, 2026, and its receipt by Visions Charter on February 12, 2026, restarted the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).) The parties must either participate in a resolution session regarding the amended complaint, both waive it in writing, or agree to use mediation. The case will not proceed to hearing otherwise.

Visions Charter's motion to dismiss Student's amended complaint based on Parent 1's failure to participate in a resolution session is supported, but OAH is exercising its discretion to give Student another opportunity to participate in a resolution session. Therefore, Vision Charter's motion to dismiss based on Parent 1's failure to participate in a resolution session is denied without prejudice.

OAH CONTINUES THE PREHEARING CONFERENCE AND DUE PROCESS HEARING AND ORDERS PARTICIPATION IN A RESOLUTION SESSION WITHIN 15 DAYS OF THIS ORDER

A due process hearing must be conducted, and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (Ed. Code, § 56505, subd. (f)(3); Cal. Rules of Court, rule 3.1332(c).)

OAH considers all relevant facts and circumstances, including:

- the proximity of the hearing date;
- previous continuances or delays;
- the length of continuance requested;
- the availability of other means to address the problem giving rise to the request;
- prejudice to a party or witness as a result of a continuance;
- the impact of granting a continuance on other pending hearings;
- whether trial counsel is engaged in another trial;
- whether the parties have stipulated to a continuance;

- whether the interests of justice are served by the continuance or imposing conditions on the continuance; and any other relevant fact or circumstance.

(Cal. Rules of Court, rule 3.1332(d).)

OAH finds good cause to continue the hearing because the parties did not participate in a resolution session and the hearing therefore cannot proceed. Instead of dismissing the matter, OAH gives the self-represented Parent an opportunity to participate in a resolution session within 15 days of this Order and continues the prehearing conference and due process hearing as follows:

PREHEARING CONFERENCE will be held on April 6, 2026, at 1:00 PM.

DUE PROCESS HEARING will be held on April 14, 15, and 16, 2026.

The hearing shall begin at 9:30 AM on all days unless otherwise ordered. The hearing shall continue day to day, as needed at the discretion of the Administrative Law Judge, called an ALJ. Prehearing conference statements and motions are due to OAH no later than three business days before the prehearing conference or with a showing of good cause why it was not timely filed.

ORDER

1. Visions in Education Charter School's Motion to Dismiss for lack of jurisdiction and for being filed in violation of a prefiling order is denied.
2. Visions in Education Charter School's Motion to Dismiss for failure to participate in a resolution session is denied without prejudice to renewing it based on Parent 1's failure to participate in a resolution session if the

parties do not waive it or agree to use, and participate in, mediation regarding the claims of the amended complaint.

3. The parties shall participate in a resolution session within 15 calendar days of this Order, unless waived by the parties or the parties agree to use mediation regarding the claims of the amended complaint.

4. The matter is continued, with a prehearing conference on April 6, 2026, at 1:00 PM, and the due process hearing on April 14, 15, and 16, 2026.

Kara Hatfield

Kara Hatfield
Administrative Law Judge
Office of Administrative Hearings