BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

MT. DIABLO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2023010520

ORDER DENYING REQUEST TO REOPEN CASE AND NOTICE OF EX PARTE COMMUNICATION

OCTOBER 25, 2023

On September 8, 2023, Parent filed a request to reopen this matter that the Office of Administrative Hearings, known as OAH, dismissed on March 17, 2023. The matter was dismissed because Parent failed to respond to an Order to Show Cause and failed to appear at the prehearing conference. There was no proof of service regarding the request to reopen the case.

On January 17, 2023, Parent filed a due process hearing request against Mt. Diablo. The original filing did not contain a proof of service. On January 23, 2023, OAH staff contacted Parent and explained the need for and process of including a proof of service. Despite such, Parent submitted numerous documents without a proof of

service. Ultimately, on March 13, 2023, ALJ Gilmartin issued a Notice of Ex Parte Communication and disclosed 12 additional documents Parent submitted to OAH that did not contain a proof of service. Parent was reminded that motions and case-related requests required a proof of service, except for requests for reasonable accommodation. No action was taken on the request to reopen as Parent had been reminded on several occasions both orally and in writing, that OAH would not take action on motions, such as a request to reopen, absent a proof of service. The case was not reopened.

On October 6, 2023, Parent submitted a request for a reasonable accommodation for a due process hearing. There is no hearing currently pending. Parent's request to reopen the case is DENIED. A copy of the request will be attached to this order. The request constitutes ex parte communication. Parent is again advised that communication such as this must contain a proof of service and be copied to the other side. Nothing in this order prevents Parent from filing a new due process hearing request; however, the original case is closed.

IT IS SO ORDERED.

Joy Redmon

Joy Redmon
Presiding Administrative Law Judge
Office of Administrative Hearings