

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SACRAMENTO CITY UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2014030365

NOTICE OF NO ACTION TAKEN;
ORDER REGARDING FILING OF
DOCUMENTS

Notice of No Action Regarding Advancement of Dates

On May 6, 2014, Parent, on behalf of Student, filed a request for transcripts. The request was in the form of set of emails. Within the emails was an exchange between Parent and the Sacramento City Unified School District (Sacramento) wherein Parent expressed a desire to advance the hearing dates in this matter. On May 7, 2014, Sacramento filed an opposition to dates being advanced. Because Parent's request was not directed at the Office of Administrative Hearings, OAH does not consider Parent's email communication to a third party to constitute a motion upon which OAH must render a ruling. Accordingly, OAH will take no action regarding the resetting or advancement of the dates in this matter.¹

Filing of Documents with OAH

Parent's filing of May 6, 2014, asked OAH for transcripts. However, because it was a set of emails, it contained communications and information upon which OAH was not being asked to render a ruling. On May 7, 2014, Parent filed another email with OAH. The email was directed to a Megan Bailey and concerns a request for fax of documents. It goes on to state that Parent is requesting a findings of fact, conclusion of law and judgment. First, it is unclear if this is directed to OAH as a request or motion or if this is part of the conversation with Megan Bailey. Second, to the extent that this directed towards OAH, OAH has already ruled upon a similar request in an order dated May 5, 2014. On May 8, 2014, Parent filed another email to Megan Bailey which acknowledges that OAH has taken no action on the prior request for findings of fact, legal conclusions and judgment. It is unclear, what if anything Student is requesting of OAH with the May 8, 2014 filing.

Parent is instructed to stop filing emails directed to third parties, such as Megan Bailey. Parent is not required to file with OAH everything served upon Sacramento. Parent

¹ Student's request for transcripts is being addressed separately.

is instructed to file documents that clearly set out any action she is requesting from OAH. The document may be in the form of a letter and may be handwritten. However, it should be directed to OAH and clearly set out what action Parent requests OAH to take on any issue that concerns the proceedings in this matter. Any such filing with OAH should be served upon legal counsel for Sacramento.

Finally, Parent is encouraged to read “Guide to Understanding Due Process Hearings,” available at OAH’s website at <http://www.dgs.ca.gov/oah/Home.aspx>. Parent may also request a copy of the Guide from OAH by contacting the clerk assigned to this matter. The Guide may help Parent understand what is appropriate to file with OAH, how to make a motion, how to file it and what to expect in the proceedings in this matter.

IT IS SO ORDERED

DATE: May 8, 2014

/s/

BOB N. VARMA
Presiding Administrative Law Judge
Office of Administrative Hearings