

**Office of Administrative Hearings
Special Education Advisory Committee**

OAH Response to Recommendations from April 11, 2014 Meeting

The Office of Administrative Hearings Special Education Advisory Committee met in a joint meeting on April 11, 2014, in Sacramento and Van Nuys. The meeting was conducted via videoconference and was also available to the public through a webcast accessed on OAH's web site. The joint meeting followed one agenda. During the course of the meeting, the committee voted to make several recommendations to change or improve OAH's processes. After reviewing and considering the recommendations, OAH provides this response:

Training of Administrative Law Judges

First Recommendation: The Advisory Committee recommended that OAH post on its website a list of all training provided to the administrative law judges and the links to all training materials for which OAH has authority to provide access.

OAH adopts the recommendation to place a list of all training provided to the administrative law judges on its website. OAH does not adopt the recommendation to post links to training materials.

Prior Advisory Committees have made similar recommendations. The basis for the recommendations have been consistent: some individuals who appear before OAH in special education disputes believe that the ALJs do not know the law, need additional training, or receive training exclusively from one point of view, namely that of school districts. During the informal discussion, current members expressed concern that the training is one-sided in favor of school districts. A committee member provided an example that the ALJs attended a training in April 2013, "LRP's National Institute on Legal Issues of Education Individuals with Disabilities," as an indicator that they receive one-sided training. The claim is based on the view that LRP is generally characterized as focusing on the perspective of school districts. As noted during the informal discussion, many attorneys who represent students and families also attended the same training conference.

Over the years, DPALJs have repeatedly urged members and others who have raised this concern to suggest suitable training programs to the DPALJ or the regional office PALJs. The only specific recommendation received in recent years was during this meeting. A member suggested that OAH send the ALJs to training sponsored by the Council of Parent Attorneys and Advocates. DPALJ Kopec followed up on this recommendation. The training opportunities identified on the organization's website are available to members or individuals who meet the requirements of membership in the organization. The requirements of membership preclude the ALJs from attending any of the programs because the California Department of Education, a state education agency, funds OAH's program (<<http://copaa.site-ym.com/?page=Conf>> [as of August 27, 2014]). This relationship with CDE prevents membership in the organization. In order to ensure that OAH provides the best training to the ALJs, it does not attend any training program sponsored by another entity that is not open to all who are interested in special education dispute resolution.

OAH not only complies with the extensive training requirements contained in the interagency agreement entered into with CDE and the law, in many instances it exceeds those training requirements. OAH is not aware of any other state that requires training in the amount or breadth required of it. Personnel from other states have periodically contacted OAH to get more information about its training program.

In an effort to illustrate the substantial amount and variety of training regularly provided to the special education ALJs, OAH will post a list of the training provided to ALJs for four fiscal years, from July 2010 to June 2014.

OAH will not post any of the training materials. The list of training provides sufficient information to respond to the concerns voiced by members of the committee.

Public Outreach

Second Recommendation: The committee recommended that OAH post the PowerPoint presentation used in its outreach presentations on its website.

OAH does not adopt this recommendation. OAH's outreach presentation is a summary overview of the special education dispute resolution process. It is not intended to address the details of special education legal principles and procedures. OAH provides more thorough and detailed materials on its web site, including *A Guide to Understanding Special Education Due Process Hearings* (<http://www.dgs.ca.gov/oah/SpecialEducation.aspx>) and Frequently Asked Questions (<http://www.dgs.ca.gov/oah/SpecialEducation.aspx>).