

**SPECIAL EDUCATION ADVISORY COMMITTEE
SUMMARY OF ITEMS DISCUSSED
APRIL 15 and APRIL 29, 2008**

Special Education Division Website Updates:

OAH demonstrated how to access the Office of Administrative Hearings (OAH) website and obtain information about the Special Education Division, including the online calendar, decisions by SEHO and OAH, procedural safeguards, Frequently Asked Questions (FAQs), and the Quarterly Reports.

Action Items from October 2007 Advisory Committee Meeting:

1. *Email Notification of Decisions:* OAH will start sending email copies of decisions to those persons who request receipt. A sign-up sheet was provided. OAH will email the decisions on either the day of the issuance of the decision, or the day after issuance.
2. *Searching Calendar by District:* Currently, OAH cannot initiate a search function by school district name in the online calendar at the OAH website. However, OAH will include on the website the areas that are served by each regional office to assist those using the on-line calendar in determining which regional office calendar to search.
3. *Multilingual website/documents:* OAH is in the process of interpreting and placing on the website commonly used documents into the five most common foreign languages in California: Spanish, Vietnamese, Hmong, Cantonese and Tagalog.
4. *OAH Outreach/How to Guide for Parents:* OAH is in the process of preparing a Consumer Brochure for distribution to parents and school districts. OAH also has the FAQs at the OAH website, which are currently being updated. The updated version will be posted by June 2008. Presiding Judges for the Special Education Division are available to make presentations to groups as a form of outreach.

Attorney/Advocate List:

OAH inherited a list from SEHO and updated this list six months ago. OAH update the list annually. To be placed on the list attorneys and advocates who want to appear on the list will submit an application and self-certify that the applicant provides free or reduced cost representation or other assistance within the meaning of Education Code section 56502, subdivision (h). Applications for List of Free or Reduced Cost Attorneys and Advocates and Instructions for completing the Applications were provided and are available on the OAH website.

Advisory Committee:

The presenters discussed the Advisory Committee. The Advisory Committee will be composed of two regions, the Southern California Region and the Northern California Region. The committee will have nine members in each region. At least five members will be parents or those who represent parents and students. The four remaining members in each region will be comprised of others interested in serving on the Advisory Committee.

The Advisory Committee is designed to assist the Office of Administrative Hearings by providing non-binding recommendations for improvements to the special education hearing and mediation process

Advisory Committee meetings are held twice per year. One meeting is held in each region in October (in Los Angeles and Oakland) and one meeting is held in each region in April (in Orange County and Sacramento). Advisory Committee members are expected to attend their regional meeting in October and April and may be consulted between meetings

Application for Special Education Advisory Committee Membership and a Special Education Advisory Committee Membership Information were provided.

Calendar Setting Procedures:

OAH is seeking to amend the calendaring procedures in order to minimize the number of continuance requests and reduce unnecessary costs for the parties while at the same time abiding by the legal requirement that OAH hear and decide cases within a certain time period. Discussion with the advisory committee was held and all present provided input and suggestions. The following is the proposal that resulted from those discussions.

For Student filed cases, which OAH must hear and decide within 75 days of filing, upon receipt of the request for due process, OAH will assign to the case a Mediator and a hearing ALJ. OAH will issue an initial Scheduling Order which identifies these assignments and which sets a Status Conference at day 19, a mediation date at the 35th day and a Due Process Hearing at day 55. The status conference will be held for the following purposes: gathering data on the resolution session; adjusting mediation date, if necessary; setting a PHC; adjusting the hearing dates or setting a follow-up status conference (a follow-up status conference also requires putting one day of hearing on calendar) if the parties are not prepared to go forward on the hearing date preset and/or need additional hearing dates; this continuance will include a date certain for issuance of a decision

For District filed cases, which OAH must hear and decide within 45 days of filing, the initial Scheduling Order would set a Status Conference at Day 5, a mediation at day 10 and the Due Process Hearing at day 25.

For expedited filings, no changes to calendaring were suggested. The law requires that an expedited hearing occur within 20 school days from the date of filing and that a decision be rendered within 10 school days after the hearing. Current practice is that a mediation is set on day 10 from the date of filing, a PHC is set on day 14 and the DPH is set on day 20.

OAH will work towards implementing this new calendaring system in the near future, and will seek assistance in this regard from the newly constituted Advisory Committee.

Open Forum Orange County Meeting:

1. Dr. Ron Lackey gave a presentation on the Orange County Special Education Alliance.
2. A request that OAH reconsider its position related to ordering the production of school records was made. OAH will research the issue and address as an action item at the next meeting.
3. A request was made for OAH to develop a procedure to ensure that all parties receive notice of motions and copies of complaints. OAH will research the issue and will address as an action item at the next meeting.
4. OAH was asked about enforcing settlement agreements. There was reference to two recent opinions from the United States District Court for the Northern District of California which ruled that OAH must review such cases as part of the exhaustion of administrative remedies. OAH will research the issue and address as an action item at the next meeting.
5. OAH was asked about the training provided to ALJs. OAH explained the requirements for training set forth in the Interagency Agreement and Amended Interagency Agreement, and asked the group to provide recommendations for training topics. Suggestions for ALJ training, which OAH will work to schedule with an update being provided at the next meeting, include:
 - a. F.A.T. City video on learning disabilities.
 - b. mock IEP meetings
 - c. a day in the life of a student
6. OAH was asked whether the notice of hearing could include the statement that parents have the right to file a Notice of Insufficiency. OAH will

review its documents and add language to the appropriate documents. An update will be provided at the next meeting.

Open Forum Sacramento Meeting:

1. Closure of Interstate 5: The impending closure of Interstate 5 in the Sacramento area will likely cause delays in traveling to scheduled special education mediations and due process hearings. OAH is attempting to find alternative locations for mediations and hearings. Parties will also be asked to address any concerns related to travel with the ALJs during PHCs and TSCs.

2. It was suggested that OAH place the name of the support staff person assigned to the case in the initial Scheduling Order. OAH has been placing the name of the support staff person in the scheduling order.

3. It was suggested that notice of the Advisory Committee meetings is not adequate. OAH will work to improve its website to ensure notice to all who wish to attend. An update will be provided at the next meeting.

4. OAH was asked if email filings will be accepted in the future. Currently OAH is working to explore the possibility of e-filing. This is a large undertaking that will take time to research and develop. An update will be provided at the next meeting and future meetings.

5. OAH was asked about a “How To” guide for parents. OAH is currently developing revised FAQs and a consumer brochure. OAH will work with CDE and the advisory committee to determine what other guides should be developed. An update will be provided at the next meeting.