

**Office of Administrative Hearings  
Special Education Advisory Committee  
May 10, 2013 Meeting Summary**

**1. Introduction**

1a. *Selection of Chairs at Each Location:* Special Education Division Presiding Administrative Law Judge (DPALJ) Judith Kopec was selected to chair the Northern California section of the meeting. Presiding Administrative Law Judge (PALJ) Richard Breen was selected to chair the Southern California section. The meeting was conducted via video conference and was also available as a live webcast.

1b. *Selection of Note Takers at Each Location:* Member Marcy Gutierrez (Northern California) and Member Miho Murai (Southern California) were designated as the note-takers.

1c, d. *Introduction of Advisory Committee Members and Office of Administrative Hearings (OAH) Staff:* Advisory Committee members introduced themselves. The following members were absent in Northern California: Catherine Sherman, Susie Malloy, Kent Rezowalli, and Loren Soukup. The following members were absent in Southern California: Blanca Siebels, Sundee Johnson, and Amy Foody. All other members were present.

In addition to DPALJ Kopec, Deputy Director Melissa Crowell, PALJ Bob Varma and Administrative Law Judge (ALJ) Margaret Broussard attended in Sacramento. PALJ Richard Breen and ALJ Sabrina Kong attended in Van Nuys.

**2. Introductory Comments and Updates**

DPALJ Kopec provided an overview of the Committee's process for discussing and voting on agenda items.

2a. *Terms of Advisory Committee Members and Application Process:* This is the last meeting of the two-year term for members who were appointed in fall 2011. DPALJ Kopec thanked them for their participation encouraged them to reapply. The deadline for applications is June 15, 2013.

2b. *Staff Changes at the Office of Administrative Hearings (OAH):* ALJ Margaret Broussard has joined the Sacramento office. ALJ Sabrina Kong has joined the Van Nuys office. OAH is recruiting for an ALJ in the Van Nuys office.

**3. Hearing and Mediation Processes**

3a. *Attendance and Expectations of Advisory Committee Members:* This item was presented by Member Miho Murai. Member Murai expressed concern that there have been issues about obtaining a quorum of members in both locations. The members discussed a variety of ideas and recommendations to ensure that each meeting has a quorum.

*Committee Recommendation:* A recommendation was made, seconded and amended that a member who is unable to attend a meeting can identify a designee, who has already been vetted by OAH, to attend the meeting. The recommendation passed in Northern California and did not pass in Southern California.

*Committee Recommendation:* A recommendation was made, seconded and amended that OAH should select alternate members for each location who may attend the meeting if a member is unable to attend. The alternate member would be required to have the same

relationship to special education matters (e.g., a student, parent, student's or parent's advocate or attorney; or a district's representative, advocate or attorney) as the member who is unable to attend. The recommendation passed in Northern California and Southern California.

*Committee Recommendation:* A recommendation was made, seconded and amended that OAH post a member's relationship to special education matters on its web site. The recommendation passed in Northern California and Southern California.

*Committee Recommendation:* A recommendation was made, seconded and amended that each member sign a statement indicating the member understands the responsibilities of membership, including a commitment to attend all meetings and a requirement that a member give prior notice of OAH if the member is unable to attend a meeting. The recommendation did not pass in Northern California and passed in Southern California.

3.b. *Increasing Outreach to Unrepresented Parents about OAH Processes:* This item was presented by Member Murai. She expressed concern that unrepresented parents do not know about OAH's processes and that members could do more to assist with this. The members had an extensive discussion about possible ideas to address this.

*Committee Recommendation:* A recommendation was made, seconded and amended that OAH begin doing outreach to the community and consider using members in the outreach activities. The recommendation did not pass in Northern California and passed in Southern California.

3.c. *Identification of Mediator on Initial Scheduling Order:* DPALJ Kopec discussed the problems created by OAH's current practice of assigning an ALJ mediator in the initial scheduling order that OAH issues when a case is filed. She requested members' comments about changing this so that a mediator is not identified on the initial scheduling order.

*Committee Recommendation:* A recommendation was made and seconded that OAH no longer identify the assigned mediator in the initial scheduling order and instead indicate that the mediator will be determined (e.g., by using "TBD" in place of the mediator's name in the order). The recommendation passed in Northern California and Southern California.

3.d. *Proposed Revisions to Forms, Orders and Notices:* DPALJ Kopec explained that a number of the notices and orders that are regularly used are being revised in order to provide a clear description of the process and procedures in order to assist parties who are not represented by attorneys. She provided an overview of the proposed revisions to four of the forms:

(1) *Request for Continuance of Initial Special Education Due Process Hearing Date and Initial Mediation Date:* The revisions clarify the dates and times that hearings, prehearing conferences, and mediations are scheduled.

(2) *Scheduling Order and Notice of Due Process Hearing and Mediation:* The scheduling order is revised to include information about peremptory challenges, resources available on the web site, settlement procedures, requirements concerning service of documents, and requests for security at a mediation or hearing.

(3) *Dual and Expedited Scheduling Orders:* The revisions clarify that continuances are generally not available for expedited hearings and incorporate the revisions made to the initial scheduling order.

(4) *Notice of Mediation without Due Process Hearing (Mediation Only)*: The revisions include information regarding continuances, requirements concerning service of documents, and requests for security at a mediation or hearing.

4. *Public Comments*: Members of the public attending the meetings or participating through the webcast provided comments throughout the meeting as each agenda item was discussed. Members of the public attending the meetings or participating through the webcast made comments at the conclusion of the substantive agenda items.

5. *Tentative Date of Next Meeting*: The tentative date for the next meeting is Friday, October 11, 2013.

The meeting was adjourned.