

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

Recommendations from April 22, 2016 Meeting

The Office of Administrative Hearings Special Education Advisory Committee met on April 22, 2016, 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 meeting, the committee voted to make four recommendations to change or improve OAH's processes. After reviewing and considering the recommendation, OAH provides this response.

Hearing and Mediation Processes

Item 3a. *OAH's Guide to Understanding Special Education Due Process Hearings*

Recommendation: The Committee recommended that OAH post on its website a video presentation of the Guide to Understanding Special Education Due Process Hearings, with an accompanying PowerPoint slide presentation.

OAH will adopt this recommendation. Currently, posted on OAH's website are the Guide and a video presentation describing the due process hearing procedures. OAH will explore creating an additional video presentation on the Guide and an accompanying PowerPoint slide presentation.

Item 3c. *Proximity of Calendar Dates in School District Filed Cases*

Recommendation: The Committee recommended that if the prehearing conference statement due date and the mediation date fall on the same date in a matter, OAH either advance the mediation date or delay the prehearing conference statement due date.

OAH declines to adopt this recommendation. OAH currently uses a calendaring guideline that is compliant with applicable statutes to ensure that OAH meets the 45-day time line for the processing of a case from filing through issuance of a written decision, not counting the 30-day resolution period. If parties find they are assigned mediation and prehearing conference statement due dates that coincide with one another, the parties may request that OAH either advance the mediation date or permit an extension of time to file the prehearing conference statements. OAH will consider these requests on a case-by-case basis. Parties may also ask for a continuance of all or some of the dates in a matter, and propose dates acceptable on their calendars. OAH will consider requests for continuances on a case-by-case basis. Because a process already exists for the parties to alleviate any impact on their calendars that may be caused by coinciding dates, OAH does not need to create an additional process.

Item 3c. *Proximity of Calendar Dates in School District Filed Cases*

Recommendation: The Committee recommended that when the prehearing conference statement due date and the mediation date fall on the same date in a matter, that OAH advance the mediation to an earlier date.

OAH declines to adopt this recommendation. OAH currently uses a calendaring guideline that is compliant with applicable statutes to ensure that it meets the 45-day time line for the processing of a case from filing through issuance of a written decision, not counting the 30-day resolution period. Currently, once a mediation date has been set, the parties may request an alternative mediation date. OAH reviews these requests on a case-by-case basis. Because a process already exists for the parties to seek alternative mediation dates, OAH does not need to create an additional process.

Item 3g. *Conducting Mediations on Mondays and Fridays*

Recommendation: The Committee recommended that OAH consider holding mediations Monday through Friday of each week.

OAH will adopt this recommendation. In July 2016, OAH began a pilot project by conducting a limited number of mediations every Friday. OAH will report on the project at the next Advisory Committee meeting.