

OFFICE OF ADMINISTRATIVE HEARINGS
SPECIAL EDUCATION DIVISION
STATE OF CALIFORNIA

SPECIAL EDUCATION ADVISORY COMMITTEE MEETING

MAY 11, 2011

10:00 A.M. - 1:00 P.M.

JOINT SESSION

LOS ANGELES, CALIFORNIA
SACRAMENTO, CALIFORNIA

Official Transcriber: Terri O'Brien

COMMITTEE MEMBERS PRESENT:**NORTHERN CALIFORNIA**

Kent Rezowalli, Chairperson
Margaret Broussard, Note-Taker
Kate Chilcote
Fran English
Thomas Gibson
Christian Knox
Susie Malloy
Katie Russell

SOUTHERN CALIFORNIA

Robert Wright, Chairperson
Miho Murai, Note-Taker
Margaret Dalton
Ann Delfosse
Paul Eisenberg
Maureen Graves
Christine Smith
Constance Taylor

COMMITTEE MEMBERS NOT PRESENT:

Dan Harbottle
Dora Dome

ALSO PRESENT:

Judge Judith Kopec
Judge Ann F. MacMurray
Judge Bob Varma
Judge Timothy Newlove
Judge Dee Johnson
Kay Stubbings, Executive Assistant
Laura Gutierrez, Legal Support Supervisor
Judge Richard Breen (via Web Broadcast)

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P R O C E E D I N G S

1
2 **ADMINISTRATIVE LAW JUDGE KOPEC:** Good morning,
3 everybody. I want to welcome you to the second meeting of
4 the 2010-2011 Office of Administrative Hearings Special
5 Education Advisory Committee Meeting. This meeting is being
6 held via video conference between Los Angeles and Sacramento.
7 It is also simultaneously being webcast and I want to welcome
8 the web viewers as well. I apologize (recording disruption)
9 each other.

10 Unfortunately for our web viewers, you will only be
11 seeing the Sacramento location. However, I want to assure
12 you that you will hearing the video -- I mean, I'm sorry, the
13 audio from both locations, so that you will be able to hear
14 everything. I will do whatever we need to do in order to
15 remedy this problem for next time. And once again, I
16 appreciate the patience of our wonderful Advisory Committee
17 members in both locations, along with our loyal webcast
18 viewers.

19 I am Judith Kopec and I am presiding Administrative
20 Law Judge for the Special Education Division with Office Of
21 Administrative Hearings and it's my pleasure to be with you
22 today. I had hoped to attend the meeting from Los Angeles,
23 because I'd like to -- last time I was here in Sacramento and
24 we like to be able to meet with the Advisory Committee and
25 the members of the public down in Los Angeles as well, but as

1 you may know, the Governor issued an executive order, which
2 put a limitation on state travel to only those travel -- to
3 only travel that is absolutely mission critical and
4 necessary. And since we do have this video connection, we
5 felt that my travel at this time would fall victim of that
6 executive order. And as soon as we can resume the normal
7 rotation, I hope to be attending the meeting in Los Angeles
8 before too long.

9 Before we'd go further, what I'd like to do in
10 order to facilitate the meeting at each location is to select
11 a chair at each location. And the role of the chair is to
12 facilitate the discussion of each location to make sure that
13 at each location, the committee members participate fully,
14 and also to have members of the public participate in each
15 location, as well, and to read the comments that we receive
16 via the webcast. So at this time, are there any nominations
17 or volunteers for chairing the northern California committee
18 today?

19 MR. REZOWALLI: If no one volunteers, I'll
20 volunteer.

21 ADMINISTRATIVE LAW JUDGE KOPEC: Okay, Kent
22 Rezowalli, I appreciate your volunteering. Any objection to
23 Kent?

24 UNIDENTIFIED FEMALE: None.

25 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. By

1 acclimation, we will have Kent Rezowalli chair. And in
2 Southern California, who would be so kind as to volunteer to
3 chair in Southern California?

4 MR. WRIGHT: We had a little election and I
5 volunteered.

6 ADMINISTRATIVE LAW JUDGE KOPEC: Okay and just so
7 we're all -- your name?

8 MR. WRIGHT: Robert Wright, Bob.

9 ADMINISTRATIVE LAW JUDGE KOPEC: Okay, terrific.
10 All right, thank you very much, Mr. Wright. In addition, we
11 would like to have note-takers for each location and the
12 purpose of the note-takers is to provide notes that are then
13 used to provide an overall summary of the meeting, so is
14 there a volunteer in Northern California to take notes?

15 MS. JOHNSON: I am volunteering, Dee Johnson.

16 ADMINISTRATIVE LAW JUDGE KOPEC: Actually, we need
17 a member of the committee to take notes.

18 MS. JOHNSON: Oh, okay.

19 ADMINISTRATIVE LAW JUDGE KOPEC: Thanks, Dee.
20 Anyone? You're going to put me in the position of appointing
21 somebody?

22 MR. REZOWALLI: Take handwriting samples and see
23 who can write best.

24 ADMINISTRATIVE LAW JUDGE KOPEC: Going once, Ms.
25 Broussard?

1 MS. BROUSSARD: I'll do it, but I'll hand it to you
2 before I leave.

3 ADMINISTRATIVE LAW JUDGE KOPEC: Okay, sure. Thank
4 you very much. That's Peggy Broussard here in Northern
5 California. And how about Southern California.

6 MS. MURAI: I'll take notes. This is Miho Murai.

7 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. And I'm
8 sorry, your name again?

9 MS. MURAI: Miho Murai.

10 ADMINISTRATIVE LAW JUDGE KOPEC: Okay, thank you so
11 much. All right. What I also would like to do -- this is
12 the second meeting of this configuration of the Advisory
13 Committee and I think it would be helpful to go around the
14 table, each table. Let's start in Southern California and
15 you would just identify yourself, and just perhaps indicate
16 what your primary connection to Special Education and your
17 affiliation for the purpose of the Advisory Committee. So --

18 MR. WRIGHT: My name is Bob Wright and I'm a
19 parent.

20 ADMINISTRATIVE LAW JUDGE KOPEC: Okay.

21 MR. WRIGHT: I'm in San Diego.

22 MS. TAYLOR: Constance Taylor with Atkinson
23 Andelson, attorney for school districts.

24 MS. SMITH: Christine Smith, district director,
25 Charter Oak, San Diego Valley SELPA.

1 MS. GRAVES: Maureen Graves, parent and
2 parent/student lawyer in Special Education.

3 MR. EISENBERG: Paul Eisenberg. I'm an educational
4 advocate, also a parent who was a Special Education student.

5 MS. DELFOSSE: Ann Delfosse, SELPA director from
6 West Orange County.

7 MS. MURAI: Miho Murai, attorney for parents and
8 students.

9 MS. DALTON: Margaret Dalton, University of San
10 Diego Legal Clinics and parent attorney.

11 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. And I would
12 like to indicate that I did receive a note from Dan Harbottle
13 indicating his regrets and inability to participate today.
14 And starting in Northern California?

15 MS. RUSSELL: Katie Russell, parent from San
16 Francisco.

17 MS. MALLOY: Susie Malloy, parent.

18 MS. KNOX: Christian Knox, Ruderman and Knox. We
19 represent parents and students.

20 MR. REZOWALLI: Kent Rezowalli, director of Tri-
21 Valley SELPA.

22 MS. BROUSSARD: Margaret Broussard, Law Office of
23 Margaret Broussard. I represent students.

24 MS. CHILCOTE: Kate Chilcote, I'm a parent.

25 ADMINISTRATIVE LAW JUDGE KOPEC: Judith Kopec from

1 the Office of Administrative Hearings.

2 MS. ENGLISH: Fran English, parent and Special Ed
3 supervisor for San Ramon.

4 MR. GIBSON: Tom Gibson, parent, and with Gibson
5 VU, attorney for school districts.

6 ADMINISTRATIVE LAW JUDGE KOPEC: And Dora Dome, who
7 is also a member here in Northern California, is not
8 currently present. And finally, in terms of recommendations,
9 what I'd like to do is introduce the staff from the Office of
10 Administrative Hearings who are attending. And in Los
11 Angeles, we have Presiding Judge Timothy Newlove, who is
12 presiding judge of the newly rebranded San Diego group of
13 Special Education.

14 And here in Sacramento, we have Bob Varma, who is
15 the Acting Presiding Administrative Law Judge in the
16 Sacramento office, Dee Johnson, who is an Administrative Law
17 Judge in Sacramento, and Kay Stubbings, who is the executive
18 assistant in Sacramento, and Laura Gutierrez, who is the
19 legal support supervisor. In addition, Richard Breen who is
20 the acting Presiding Administrative Law Judge in the Van Nuys
21 office is attending via the web broadcast.

22 Okay, the committee has used sort of -- the primary
23 responsibility or the very important role of the committee
24 over the years of its evolution has been to discuss and
25 provide recommendations to OAH concerning the mediation and

1 due process hearing procedures and policies. And how this
2 has worked effectively is that as we go through the items on
3 the agenda, generally I will -- I have some information that
4 I wish to communicate and some requests for assistance in
5 terms of things in our process and procedures that are
6 causing us to be perhaps less efficient than we can be or
7 less responsive than we can be. And so I look for the
8 committee members to provide their input and discussion and
9 suggestions.

10 And in the past, committee members have made
11 recommendations to OAH about each of the topics or some of
12 the topics as we go through the agenda, although we aren't
13 governed by Robert's Rules of Order, in order to ensure that
14 there is sufficient interest, we generally have asked that a
15 recommendation that's proposed be seconded to make sure that
16 there is sufficient interest and then have further discussion
17 on the item. As the discussion has evolved, very often there
18 would be proposed modifications or revisions to the
19 recommendations and we generally would then turn to the
20 original proposer of the recommendation to see whether that
21 is something that would be acceptable in terms of modifying
22 it and, therefore, eventually reach a final recommendation
23 and then there's a vote taken both in the Northern California
24 location and then in the Southern California Location.

25 In the past, Mr. Rezowalli has served as a very

1 informal parliamentarian and making sure that as our
2 discussion goes forward, especially when it can be very
3 lively and engaging in both locations, to kind of bring --
4 help bring us back in terms of where we are with the
5 recommendation and making sure that everyone understands
6 what's being discussed and proposed and I think that has
7 worked very well. So if you don't mind, if you'll continue
8 to -- since you are the chair, I think that would also be an
9 appropriate role for you.

10 MR. REZOWALLI: (Overlapping) -- officially able to
11 do that.

12 ADMINISTRATIVE LAW JUDGE KOPEC: Okay.

13 MR. REZOWALLI: A comment on that, in the past,
14 too, we've had recommendations, motions, suggestions, ideas
15 and such, but what I'm understanding, Judith, sort of
16 modified Roberts Rules as it were, that if we're going to
17 have a recommendation go to a vote, the recommendation is the
18 term we'll be using as opposing to I have an idea or a
19 suggestion?

20 ADMINISTRATIVE LAW JUDGE KOPEC: Right.

21 MR. REZOWALLI: So a recommendation is modified
22 Roberts Rules of Order, okay.

23 ADMINISTRATIVE LAW JUDGE KOPEC: Okay, terrific.
24 Okay, with that, I believe we've just finished part one, the
25 introductory part of the agenda. And leading into some of

1 the more substantive areas in terms of information that I
2 have and want to share with the committee is the Advisory
3 Committee terms and application process.

4 For those of you who served on the committee last
5 year, along with this year, this is the last meeting of your
6 two-year term. And we welcome you to continue participating
7 in the committee and, in order do that, you would need to
8 submit an application. Applications were provided, they're
9 on the website, they're here at each location. And the
10 application deadline is close of business by June 15, 2011.

11 For those of you who this is your second meeting
12 when you began the term back in our October meeting, this
13 concludes the first year of your term and you are continuing
14 on through the next fiscal year for both meetings of that
15 year, so you do not need to go through the application
16 process. I also encourage anyone else who is interested in
17 applying to serve on the Advisory Committee to please submit
18 the application.

19 In addition, there is an information sheet that was
20 also provided at each location and is on our website and I
21 have one correction that I need to make to the overview. In
22 the paragraph that -- the fourth paragraph down, Expectations
23 for Service, the final sentence reads, "Members interested in
24 serving more than one-year term must reapply," and instead of
25 each spring, which makes no sense since you're in it for two

1 years, it would that you would need to reapply the spring of
2 the second year of your service. So with that, that sheet
3 provides an overview of the Advisory Committee, the terms and
4 the expectations and terms of the meetings. Any questions,
5 comments from either location on the application? Okay,
6 terrific.

7 Again, I want to thank everybody and certainly
8 encourage your continued service. I know those of you who
9 have been with the Advisory Committee over a couple of years
10 have seen it changed and grown and I really appreciate your
11 continuation on the committee. It certainly adds having that
12 historical knowledge and experience as we go from one year to
13 the next.

14 The second item is -- I'd like to announce a few
15 staff changes. Ron Deidrich has returned to OAH as our
16 director and Chief Administrative Law Judge. For about 18
17 months, he was the acting director of the Department of
18 General Services and he has now returned back to be our
19 director and our Chief Administrative Law Judge and we are
20 happy to have him back. In addition, Ann MacMurray, who had
21 served for a number of years as the Presiding Judge of the
22 Van Nuys office, left state service at the beginning of this
23 year to work with the federal government and she is now
24 working in Denver as an attorney for the Federal General
25 Services Administration. So she was the Presiding Judge in

1 Van Nuys and we certainly have appreciated her contribution
2 and we are still in touch and I'm sure she wishes everybody
3 fond greetings from Denver. And that is the end of the staff
4 changes at OAH.

5 The next item is the Office of Administrative
6 Hearings San Diego Special Education Staff. And as you know,
7 in December we closed the physical Laguna Hills office.
8 However, those judges remain intact and we have rebranded
9 that group as the San Diego Special Education Office. And so
10 it's taken -- I know I very often will lapse back into Laguna
11 Hills, but with time, I think it will be familiarly known as
12 the San Diego office.

13 Tim Newlove remains the Presiding Administrative
14 Law Judge of that group. Darrell Lepkowsky and Susan Ruff
15 physically are located in OAH's San Diego office in downtown
16 San Diego and then Judges Judy Pasewark and Rob Helfand,
17 along with Presiding Judge Tim Newlove are all permanently
18 teleworking from their home office. They go into OAH offices
19 as needed for meetings or for hearings and that type of
20 thing, but this is a new experiment for us in terms of being
21 creative and using resources as efficiently as possible. Any
22 questions or comments? Okay.

23 And finally, in this section of the agenda, I'm
24 pleased to announce that furloughs are officially over. The
25 Administrative Law Judges, one of the last bargaining units

1 to reach an agreement with the administration, they have
2 reached an agreement and I don't know whether it's officially
3 ratified, but it's certainly going through the process at the
4 Capitol and so our -- all of our staff and our offices are
5 all up and running five days a week. I know it's an
6 adjustment to get back to the grind of a five-day workweek,
7 but it's great to have everybody here.

8 For the time being, we are continuing our current
9 calendaring practice of not scheduling anything on Friday.
10 So we are not changing that at this time. We are going to
11 see how things work out and may make some changes, but for
12 the time being, the status quo remains so that we are dark on
13 Fridays. Any questions or comments? Okay.

14 The next set of items has to do with hearing and
15 mediation processes. The first item is related to one of the
16 recommendations from the prior meeting concerning stipulated
17 extensions of times to submit prehearing conference
18 statements. One of the recommendations from out of the
19 October meeting was that if the parties submit a stipulated
20 extension of time to submit prehearing conference statements
21 and that stipulation was submitted by the due date of the
22 prehearing conference statements, which now is three business
23 days prior to the prehearing conference, that the extension
24 of time would be automatically granted and the prehearing
25 conference statements would then be due no later than noon

1 the business day prior. So for a Monday prehearing
2 conference, it would be noon on Friday, for a Wednesday
3 prehearing conference, it would be noon on Tuesday. And OAH
4 has agreed to adopt this recommendation to see how it works.

5 As we discussed last time, and it sort of continues
6 to be an issue in terms of trying to find a balance between
7 the parties' interest in putting your efforts toward settling
8 a matter as appropriate, rather than preparing for a
9 prehearing conference, and OAH's interest in being able to
10 have some predictability in terms of calendaring and
11 resources to know which prehearing conferences are going to
12 go forward and which aren't. So we are going to see how that
13 goes. Again, if there is no prehearing conference
14 stipulation to extend, it's submitted timely, if no RFC is
15 granted, whether or not prehearing conference statements are
16 submitted or not, the expectation is that that prehearing
17 conference is going to go forward and I'll assign the judge
18 and the phone calls will be made. So again, I'm really
19 curious to see as, hopefully, more and more parties
20 participate, hear of this and submit the extensions, whether
21 this has an impact in terms of some predictability for us and
22 for the parties in terms of knowing which prehearing
23 conference are going to be actually conducted or not. And
24 I'll open it up comments, questions? No, okay.

25 All right, Item 3b, the identification of expedited

1 and non-expedited issues in complaints. The way the process
2 currently runs is that when a complaint comes in, the
3 calendaring staff read the complaint and one of the things
4 they are looking for is whether it is a case that raises
5 issues that are required to have an expedited hearing or
6 whether it's a regular complaint on the regular timeline.
7 And it would be extremely helpful if, when parties file
8 complaints, if you would identify on the complaint what
9 issues you believe are expedited issues and what issues you
10 believe are non-expedited issues. Staff would still review
11 that and sometimes they consult with me if there's some
12 question, but it's extremely helpful and it's extremely
13 important that we get it right because, as you know, there's
14 a huge difference in terms of when things are scheduled and
15 when decisions are due. If it a raises a disciplinary issue,
16 that's entitled to have an expedited hearing.

17 The issues that give rise to an expedited hearing
18 are whether there's a disagreement about the disciplinary
19 placement, whether there's a disagreement about the
20 manifestation determination or the district believes that
21 continuing the current placement will substantially likely
22 result in injury to the child or others. So those are the
23 issues that we're looking for. If those are identified as
24 expedited issues and then the normal FAPE issues or denial of
25 FAPE for whatever it happens to be, failure to provide the

1 appropriate services, failure to have appropriate behavior
2 services, even if they may be related to some of the issues
3 connected to whatever the disciplinary matter is, those are
4 separate issues.

5 If you both expedited and non-expedited, we refer
6 to it as a dual filing. As you know, on the scheduling
7 order, you'll get a schedule for mediation prehearing
8 conference and due process hearing on the expedited dates --
9 with expedited dates and you'll get the similar scheduling
10 order with the mediation prehearing conference and due
11 process hearing for the non-expedited dates. Any comments or
12 questions on this?

13 MR. REZOWALLI: Quick question. How much of this
14 information might be found by those the parents on your
15 website?

16 ADMINISTRATIVE LAW JUDGE KOPEC: It's discussed in
17 the parent manual in terms of expedited issues and so it's
18 certainly discussed there. Obviously, you know, we want
19 everybody to do their best, but to be honest, I'd have to say
20 that attorneys who are filing very often either don't
21 identify them or identify -- or request an expedited hearing
22 just because they want to have the hearing quicker or not.
23 So it's really a -- to some extent, although I really
24 appreciate the folks who are not represented, not attorneys,
25 doing the best they can. In many ways, if we can get the

1 attorneys onboard with this, it will really be very helpful.

2 MR. REZOWALLI: So those who are listening to the
3 webcast can check into the OAH website and a lot of this
4 information?

5 ADMINISTRATIVE LAW JUDGE KOPEC: That's right. On
6 the website, we have a link for resources and one of the --
7 there are two significant resources. One would be the
8 Frequently Asked Questions and then we have a comprehensive,
9 what we call, a user's guide or manual that talks about the
10 due process and mediation process and it will take you
11 through service and filing and complaints and disciplinary
12 issues. And then in addition, if you have additional
13 questions, by all means, you can call the Office of
14 Administrative Hearings and ask to talk to one of the
15 calendar staff and they may be able to provide some general
16 information. Not necessarily legal advice, but just general
17 information. We also have the forum complaint on the website
18 as well. Yes, Ms. Malloy?

19 MS. MALLOY: I just have a question. If the
20 hearing is going to have expedited and non-expedited and
21 dates for expedited and non-expedited that are different,
22 isn't that -- I know the OAH is very sensitive to staffing
23 concerns; might this promote a problem in that area? And if
24 so, does this mean possibly an expedited might require that
25 the non-expedited issues might get tailed onto the expedited

1 complaint?

2 ADMINISTRATIVE LAW JUDGE KOPEC: I'm not quite sure
3 I'm following, but I know that it's not uncommon, for
4 example, in a mediation. So if you have both expedited and
5 non-expedited issues, obviously, the mediation on the
6 expedited complaint is going to be scheduled first or the
7 expedited issues. It's not uncommon, even though that
8 mediation is scheduled technically to discuss the expedited
9 issues, if the parties are willing and if the parties want to
10 discuss the non-expedited issues and reach an agreement as to
11 all of them, that is certainly something that they could do.
12 I don't know if that's what you were getting at.

13 MS. MALLOY: Well, one should be prepared for both
14 the expedited and the non-expedited in the event of an
15 expedited --

16 ADMINISTRATIVE LAW JUDGE KOPEC: Well, that's true
17 for the mediation, but when you get to the hearing, if the
18 case is unable to resolve with mediation, the focus of an
19 expedited hearing is only the expedited issues. So it's only
20 those that would have to do with -- generally you can talk
21 about the disciplinary placement, the manifestation
22 determination, those would be the two -- the issues from a
23 parent standpoint. And from a district standpoint, their
24 issue would be if they feel that they need to remove the
25 child in order to prevent substantial likelihood of injury to

1 the child or others. So once you're at the hearing, the
2 expedited hearing is only going to discuss those expedited
3 issues and then there will be a decision on those issues and
4 then at the regular due process hearing, what we can
5 generally call the general FAPE issues, whatever it may be, a
6 failure to assess the student or failure to provide the
7 services, which sometimes the parent may feel if the right
8 were provided, the child may not have gotten into this
9 problem that led to the discipline. So it's different. In
10 mediation you can both them both if the parties are willing.
11 When you get to the hearing, they have to be held separately.
12 Does that answer the question?

13 MS. MALLOY: Yes, it does. Thank you very much.

14 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. And --

15 MR. WRIGHT: I have a question on the topic.

16 ADMINISTRATIVE LAW JUDGE KOPEC: Okay.

17 MR. WRIGHT: If an individual contacts OAH, are
18 they going to be able to understand that they are able to
19 speak with a scheduling expert and do you provide that
20 information or is it -- in my experience, I don't recall that
21 being something that was provided when I contacted them, so I
22 don't know if I just didn't notice it or -- is that formally
23 in place when you call OAH and go, hey, I had a district file
24 a due process complaint against us?

25 ADMINISTRATIVE LAW JUDGE KOPEC: Well, I know that

1 on the face of our form complaint, it indicates that if you
2 have questions about filing the complaint, you can contact
3 OAH. And I believe there's similar information both in the
4 FAQs and in our user manual. But I just want to be clear
5 that the information that staff can provide is just very
6 general and they cannot provide legal advice. So --

7 MR. WRIGHT: I understand all that.

8 ADMINISTRATIVE LAW JUDGE KOPEC: Yeah, but just
9 general information certainly can be provided and hopefully
10 we have that word out to the public, as I said, on the
11 website and the various publications and forms. But
12 actually, what I'll do is I'll take a look at that and make
13 sure to see if we've made it clear, if that assistance is
14 available. Although it is rather limited.

15 MS. CHILCOTE: I'd like to comment on that because
16 when you have a five-day timeline for an expulsion with a
17 student, as a parent, I did call the number and they wouldn't
18 answer any of my questions because I didn't have a case
19 number. And I was just trying to figure out what to do with
20 that five-day timeline. And I did read the parent handbooks
21 and it was -- I couldn't figure out how to manage the process
22 and when I called for help, they wouldn't help me without a
23 case number, so it was really kind of a catch-22 on what to
24 do to be a part of the due process, to be a meaningful part,
25 especially when an expulsion is being recommended. So it was

1 very -- I don't know what you need to have when you call
2 that, but the people I talked to said without a case number,
3 they couldn't even answer my basic questions. So I think
4 that's something important to (overlapping)--

5 MR. WRIGHT: Item G has the timelines for district
6 and student file cases on the website for our meeting today,
7 that's an agenda item for the timelines to be on our website,
8 so maybe you will cover all that at that time.

9 ADMINISTRATIVE LAW JUDGE KOPEC: Right. And as
10 well, there's also an item, 3d, that talks about the
11 possibility of having a legal help or a hotline, which also
12 gets out the general information.

13 MS. CHILCOTE: Yeah, I thought -- I really did
14 think that we had that, that OAH had that already.

15 MR. REZOWALLI: Is this item number four, the next
16 item on the agenda.

17 ADMINISTRATIVE LAW JUDGE KOPEC: Actually, right
18 now, we're on 3a -- I'm sorry, 3b, which talks about just the
19 request to the extent possible when you file to identify your
20 expedited issues and your non-expedited issues. But I think
21 the general comments concerning how much assistance either we
22 are providing or can provide is something that I think we can
23 probably talk to in more depth when we move on to Item 3d.

24 MR. REZOWALLI: That was my quick clarify, just so
25 we don't skip over any items.

1 ADMINISTRATIVE LAW JUDGE KOPEC: Right. So any
2 other comments in terms of the issue regarding the expedited
3 or non-expedited issues and trying to identify those in the
4 complaint as best you can? Okay. Anything else? No, okay.

5 So on a slightly related topic, because it also has
6 to do with expedited hearings is Item 3c and it's concerning
7 requests to unexpedite hearings challenging interim
8 alternative education placement or the disciplinary placement
9 or the manifestation determination. And basically, over the
10 years, and to be honest, it seems we are getting with greater
11 frequency over the last number of months requests from
12 parties to "unexpedite" a case, so that when a case was
13 opened as -- and usually these are dual cases so that there
14 are expedited issues and non-expedited issues. They are
15 opened as a dual case and, at some point in time, one or both
16 of the parties want to "unexpedite" that case.

17 There are several scenarios where this seems to
18 happen. I'm not saying that it doesn't happen in other
19 situations, but one is if the child is no longer in the
20 disciplinary setting, sometimes what will happen is there may
21 have been a removal or a suspension or an expulsion, several
22 months have passed. It's still within the statute of
23 limitations. A complaint is filed that indicates that
24 perhaps something, the manifestation determination is correct
25 or there was something wrong with the manifestation

1 determination process. When we get that, because it alleges
2 issues having to do with either the disciplinary placement or
3 the manifestation determination, no matter how much time has
4 passed and where that child currently is, we have to open
5 that as an expedited case.

6 And then sometimes what will happen, usually in
7 connection with a settlement, the expedited hearing date is
8 coming up, the parties are trying to settle, and what they
9 have requested is that we unexpedite it to basically --
10 usually to give them time to work out a settlement and get
11 the pressure of the hearing date. I have to say that on a
12 few very, very, very, very rare occasions, we have done that.
13 But I wanted to get some input from all of you and figure out
14 whether it should be done or not.

15 There are, I realize, there are some legal
16 questions about it. Generally, when this comes up, it's also
17 come up in the connection with the expedited mediation, as I
18 mentioned earlier. The mediation, the parties are all
19 together, they're discussing both expedited and non-expedited
20 issues, they're very, very, close to a global settlement, but
21 they just need some more time. And so what they want to do
22 is see they can "unexpedite" it, buy themselves some more
23 time without the pressure of the expedited hearing.

24 Generally, in most cases, except for the very rare
25 exceptions, our response has been the only way to unexpedite

1 it is for the filing party to basically withdraw or dismiss
2 the expedited issues. And so very often what we've done,
3 that's happened, they've withdrawn those issues, the regular
4 case goes forward as is.

5 And so at this time, I'm looking for your comments,
6 suggestions, reactions, guidance, recommendations in terms of
7 this because, as I said, it's happening more frequently.
8 From a practical standpoint, I very much understand where
9 it's coming from, but to be honest, looking at the federal
10 statute, it could be read that we have no discretion. That
11 is, when the party raises one of these issues, either
12 disciplinary placement, manifestation determination -- and
13 those are usually the two. When you're talking about a
14 district removing a child because of the likelihood of harm
15 to the child or others, that's usually a different situation.
16 But, you know, there's a very strong argument that you read
17 that statute and if those issues are in the complaint,
18 there's absolutely no discretion that expedited hearing has
19 to be held and there's nothing anybody can do about it. So,
20 I welcome your creative thinking on this to see what options
21 there might be available, if any, or what your feelings are.

22 MS. KNOX: I'll agree, there's nothing you can do
23 about it.

24 ADMINISTRATIVE LAW JUDGE KOPEC: Okay.

25 MS. KNOX: I think the way it's been interpreted

1 for years and the way reads is that if it's, you know, you're
2 looking at manifestation or expulsion, that timeline can't be
3 moved and parties have -- the parties have to be creative in
4 how they're going to resolve their issues in order to take
5 things off. As long as you get the placement component
6 settled, you can settle the placement component and so that
7 you can unexpedite it and then they can worry about the rest
8 of the case. But I think it takes the parties' creativity in
9 that case and shouldn't be OAH taking creativity.

10 ADMINISTRATIVE LAW JUDGE KOPEC: Does your partner
11 agree?

12 MS. KNOX: My partner agrees.

13 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. I'm just
14 thinking that some of the requests have come from -- I don't
15 want to put you on the spot.

16 MS. KNOX: Maybe I'm speaking out of turn, but
17 (overlapping).

18 MR. REZOWALLI: So what I hear you saying is that
19 there may be a good idea out there that might be helpful, but
20 there's a federal law that says you can't do it.
21 (Inaudible).

22 ADMINISTRATIVE LAW JUDGE KOPEC: Well, I guess, I
23 mean, being really clear that we have, on very rare
24 occasions, unexpedited a case and I think as best I can
25 recall, the circumstances were such that there was some

1 significant period of time still within the statute of
2 limitations, but the disciplinary removal had occurred and
3 the child -- and I don't know whether it was prior to filing
4 or prior to, you know, the first date that came on the
5 calendar, the child was back into a placement and there was
6 the parties, in both cases, both the filing parent and family
7 and the district, everybody agreed that there was no urgency.

8 You know the assumption is that the reason we have
9 an expedited process requiring that hearing be held within 20
10 school days and the decision be issued within ten school days
11 after the hearing is because the placement is at issue and
12 that you need quick action so that there's clear direction to
13 the district what to do and the family what to do. And so if
14 things have happened and they're back and there's no urgency,
15 why expedite it? And, like I said, under rare, very rare,
16 circumstances, we have done it, but it's just --

17 MS. KNOX: I think that if the placement issue is
18 resolved, then you can unexpedite it. Because --

19 ADMINISTRATIVE LAW JUDGE KOPEC: But --

20 MS. KNOX: -- if everybody agrees that, okay, we're
21 now happy with the placement.

22 ADMINISTRATIVE LAW JUDGE KOPEC: Okay, all right.
23 But that's -- maybe then I misunderstood the initial comment,
24 because if you still are challenging the manifestation
25 determination, if you're still saying, okay, we're going to -

1 - what we really want -- the placement we can work out in the
2 regular hearing, but we still think they messed up -- the
3 district messed up in terms of the manifestation
4 determination. You know, the narrow reading of the statute
5 would be that that still has to be an expedited case, because
6 the way it's written is you raise a challenge to the
7 manifestation determination, you get an expedited hearing.
8 So how would you -- how did you -- that's the crux to the
9 this.

10 MS. KNOX: Yeah.

11 ADMINISTRATIVE LAW JUDGE KOPEC: You know, and very
12 often, people -- parties are like, I don't know, you know, if
13 they messed up on the manifestation determination, I don't
14 want to withdraw that issue.

15 MS. TAYLOR: Judge Kopec?

16 ADMINISTRATIVE LAW JUDGE KOPEC: Yeah.

17 MS. TAYLOR: I think it goes back to one of the
18 issues you mentioned earlier, which is that sometimes the
19 complaint doesn't identify expedited issues and, therefore,
20 OAH has to identify expedited issues on its own. If the
21 complaint raises an issue, but doesn't say this should be
22 expedited and the example you gave is one of the issues OAH
23 picks out, then I think it needs to be addressed with the
24 parties, is this really something you intended to expedite.
25 And if the parties agree, well, this is something that we

1 want to have heard, but, no, you're right, it doesn't need to
2 be expedited because the placement is no longer at issue,
3 then it's fine for OAH to make the policy decision because --
4 and unexpedite it.

5 Because the spirit of the law is to allow the issue
6 to be heard so the student, who may be was wrongfully removed
7 from the placement, can return to the placement as soon as
8 possible.

9 Another issue that comes up that you didn't use as
10 an example is, in the case of a manifestation determination.
11 When I read the law, I read it as a manifestation
12 determination that is held and causes a change of placement.
13 Sometimes complaints are filed to challenge a manifestation
14 determination that did not result in a change of placement.
15 And I don't think those issues need to be expedited, because
16 the student didn't change placement. So, again, there's no
17 placement at issue, there's no reason for it to be expedited.
18 And especially in the case when a complaint is filed, but the
19 party filing the complaint did not specifically request that
20 it be expedited. OAH picked it out and made it an expedited
21 issue.

22 So I have seen -- okay, I've drafted motions on
23 expedite in that issue in the case where it just showed up as
24 an expedited issue, but really student's placement isn't
25 being changed. So, again, I think OAH should have discretion

1 to make a policy or at least to hear a policy argument that
2 those issues should unexpedited.

3 UNIDENTIFIED MALE: Even if both parties agree,
4 both filing parties agree?

5 MS. TAYLOR: Certainly if both parties agree, but
6 OAH should still have discretion to hear the arguments and
7 make a decision.

8 UNIDENTIFIED FEMALE: I'd have to agree with that
9 on every -- I think on every level of what Constance said
10 because if the intent -- that was my understanding, the
11 intent of the statute is generally to protect a student. I
12 can see if an unrepresented parent, for example, that OAH
13 might step in because a parent might not even know how to
14 word it in such a way and I can understand how that -- but in
15 a case where -- and I think you gave an excellent example,
16 Judge Kopec, where the student's already removed. And, in
17 fact, I think one of my cases is one of those very rare
18 exceptions, thank you very much, that we specifically, in the
19 complaint, said -- I mean in big letters, said, don't
20 expedite this please, that placement is not at issue.
21 Exactly what you're saying and we were grateful for that not
22 because of anything other than that, I think one thing to
23 keep in mind is that really raises the costs to districts if
24 a settlement occurs, because for an expedited hearing, if
25 something's expedited, and especially the petitioner in this

1 case, we were the petitioner in one case, for example, didn't
2 want to expedite it, it was not -- if it had been, you'd have
3 to prepare the entire hearing just about, before you file.
4 And that's a huge cost should you settle or should the parent
5 prevail. So one to keep costs down is to not expedite unless
6 the parties -- the petitioner requests it, of course, I mean,
7 so that would be my feedback and I think this is one of those
8 instances where both those representing districts and parents
9 might tend to agree.

10 ADMINISTRATIVE LAW JUDGE KOPEC: So, just so I
11 understand, it seems to me that there's two threads of
12 discussion that I'm hearing. One is that if the placement is
13 no longer at issue, that may not be an expedited situation;
14 is that right?

15 UNIDENTIFIED FEMALE: Correct.

16 ADMINISTRATIVE LAW JUDGE KOPEC: Or if -- and this
17 is the second one, I'm not sure, if the -- assuming you have
18 an attorney who's filing it, because I think you'd have to
19 look at it differently if you have a non-attorney filing or
20 parent filing, that if an attorney is filing and the attorney
21 either says don't expedite it or doesn't identify it as
22 expedite, the view would be that OAH shouldn't on its own
23 expedite?

24 UNIDENTIFIED FEMALE: Well, I don't know that I
25 would single out attorneys' filing because, you know, if

1 there are different people, have different styles and
2 qualities of pleadings.

3 UNIDENTIFIED FEMALE: I'm going to say that -- I
4 used an example certainly as an attorney filing, so I think
5 that makes it pretty clear. I mean, we certainly should know
6 what we're doing if we request it in a certain way, however,
7 even if the person filing is not an attorney, maybe I'll go
8 the other direction on that, it seems to me that if the
9 petitioner, who's theoretically might be the injured party,
10 says -- states that this is not a request for an expedited,
11 I'm curious why OAH should a need to do that. Understandably
12 if someone was in the dark, that would be different. In
13 other words, I don't know that it has to be an attorney.

14 ADMINISTRATIVE LAW JUDGE KOPEC: Yeah. I have --

15 UNIDENTIFIED FEMALE: I just think there are two
16 issues. One is when the placement is no longer at issue
17 because the student has returned and the second is when the
18 placement never was at issue because the placement never was
19 changed, regardless of who filed or not.

20 MS. GRAVES: I have a procedural question, which is
21 that there is somebody in LA who wants to speak on this issue
22 who's not a member of the committee. Can he talk or should
23 he wait until public comment?

24 ADMINISTRATIVE LAW JUDGE KOPEC: Yeah, what I'd
25 like to do -- I appreciate the clarification. What I'd like

1 to do is have the committee continue discussing and then
2 after the committee has sort of reached -- finished
3 discussing, then take public comment at that point on a
4 particular issue. Whether it's a comment from someone
5 attending in any either location or a comment coming in from
6 the web.

7 And then another thing, I believe I forgot to ask,
8 just for clarity and for note-takers, it's helpful if people
9 could identify themselves before they speak.

10 MR. REZOWALLI: Clarification then, you were saying
11 public comment prior to, if there's a recommendation to be
12 voted on? Or were you saying public comment after a
13 recommendation? You didn't say -- recommendation because
14 you're talking about after we have discussed it as to what
15 point to take public comment.

16 ADMINISTRATIVE LAW JUDGE KOPEC: That's a good
17 point. I think if there -- and I don't yet hear any
18 recommendations here, I mean, if it's -- if there are no
19 recommendations, then I think we could have the public
20 comment at the conclusion of that particular item. It would
21 seem to me if there is a recommendation that's being
22 discussed, then -- and if there is a comment on a particular
23 recommendation, then perhaps it makes sense to hear that
24 comment at that time, so the committee can hear that and
25 consider it in their decision. Thanks for clarifying that.

1 Okay. Anything -- oh, yeah. The Southern
2 California chair, Mr. Wright, since I -- if I don't call on
3 people or you make sure you -- any of your folks are
4 recognized and speak.

5 MR. WRIGHT: I will do that.

6 ADMINISTRATIVE LAW JUDGE KOPEC: Okay.

7 MR. WRIGHT: The folks in Northern California speak
8 (overlapping) these folks are taking good care of themselves.

9 ADMINISTRATIVE LAW JUDGE KOPEC: That's true, too.
10 Okay, so there's a comment?

11 MS. SMITH: This is Christine Smith. I just had a
12 question. If the law is written in that way, and I'm not an
13 attorney, but if the law is written in that way, then you are
14 allowed, as a group, to make a decision that's based on the
15 recommendation that you can treat things differently than
16 what the law says? Is that what I'm hearing?

17 ADMINISTRATIVE LAW JUDGE KOPEC: I don't think so.

18 MS. SMITH: If the law does say that anything
19 that's filed on these two issues has to be expedited, are we
20 then deciding that we're going to find a way to treat it
21 differently than the law says or are we just saying that it's
22 our right then to put something in the filing that says --
23 that recommends that it not be expedited and then it's up to
24 your call whether you go forward expedited or not. Is that
25 what you're -- is that what we're trying to do?

1 ADMINISTRATIVE LAW JUDGE KOPEC: Well, there are
2 very few areas in the law, which I can think you can get a
3 group this size with people this experienced who are
4 necessarily going to all agree on an interpretation of the
5 law. So the assumption always is that when this body has
6 made recommendations to OAH that there's a reasonable -- and
7 it has to do with the legal issue, that there would be a
8 reasonable interpretation that would support the
9 recommendation to be made. And reasonable minds can differ
10 and there have been circumstances where the committee has
11 made a recommendation and OAH has seen the legal requirements
12 differently and has decided not to follow that
13 recommendation.

14 And I think the same is true here, so that when I
15 said that under the certain set of circumstances we have
16 unexpedited a case, it is not that we felt the law prohibited
17 us from doing that. It's just that under all the
18 circumstances, we felt that there was a reasonable
19 interpretation under the circumstances that allowed it to
20 happen.

21 But there is also an argument, I think, to be made.
22 And this goes to one of the points in terms of why OAH would
23 expedite a matter if either the attorney or the filer says
24 don't expedite it or they didn't request that it be
25 expedited. And that's because when you look at the language

1 of the federal statute, it says -- and I'm paraphrasing, of
2 course, it says, if these issues are raised, namely you're
3 challenging the disciplinary placement or you're challenging
4 manifestation determination, if you raise either of these
5 issues, the hearing has to be held in an expedited manner.
6 And so there is a reasonable interpretation that that is a
7 duty for the Office of Administrative Hearings so that even
8 when an attorney says I know I may be entitled to an
9 expedited hearing, my client doesn't want one. Again, there
10 is a reasonable argument to be made that we have a duty to
11 schedule that matter for an expedited hearing regardless of
12 whether or not the party requested it. I'm saying that's a
13 reasonable view and I'm asking for -- we're asking for
14 suggestions and comments because there may be another way of
15 looking and things and like I said, from a practical
16 standpoint, you know, we're not blind to the fact that under
17 certain circumstances it doesn't make sense.

18 MR. WRIGHT: Can I make a suggestion? If both
19 parties agree to not have their legally required issue
20 expedited, both sides, can that eliminate the need from the
21 OAH?

22 UNIDENTIFIED FEMALE: I just have a question as to
23 whether it's required or not. (Overlapping) we're going to
24 get into statutory interpretation. Maybe we can look at the
25 statute and --

1 UNIDENTIFIED FEMALE: I don't think that's our
2 intent today. I'm just saying (overlapping) --

3 MR. WRIGHT: (Overlapping) explaining the statute,
4 but federal law says it must be expedited whether we like it
5 or not. (Overlapping)

6 ADMINISTRATIVE LAW JUDGE KOPEC: Wait a minute. We
7 need to -- one person at a time so that we have a clear
8 record.

9 MR. WRIGHT: I made my point.

10 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. Is there --

11 MR. WRIGHT: Miho?

12 MS. MURAI: I just don't understand why the parties
13 can't file a continuance. And if the parties file a
14 continuance and it's stipulated, then it seems to me that
15 that would --

16 ADMINISTRATIVE LAW JUDGE KOPEC: You mean on
17 expedited matter?

18 MS. MURAI: Yeah, on expedited matters, if the
19 parties filed a stipulance [sic] and it was -- I mean a
20 continuance and it was stipulated, it seems to me that that
21 would, you know, clarify it.

22 ADMINISTRATIVE LAW JUDGE KOPEC: Well, the -- we
23 don't grant continuances in expedited matters unless it's
24 continued to a time that's still within the required
25 timeframe, the 20 school days. You know, the law requires

1 that we conduct the hearing, we start the hearing within 20
2 school days of filing and that we issue a hearing [sic]
3 within ten school days of the conclusion of the hearing. So
4 again --

5 MS. GRAVES: Judge Kopec?

6 ADMINISTRATIVE LAW JUDGE KOPEC: -- in most
7 circumstances, given the way we schedule things, at most, I
8 think in one or two cases, we were able to grant literally a
9 one- or two-day continuance because it was scheduled on the
10 18th day and not the 20th day.

11 MR. WRIGHT: Maureen, you had a comment?

12 MS. GRAVES: The law -- this is Maureen Graves.
13 Does the law bar continuances for good cause in expedited
14 hearings?

15 ADMINISTRATIVE LAW JUDGE KOPEC: We have taken the
16 view that we cannot grant a continuance for good cause that
17 precludes that expedited hearing from starting 20 school days
18 -- more than 20 school days after filing. Ms. Broussard?

19 MS. BROUSSARD: I have two pieces. One is about
20 when you're talking to parents and there's a discussion about
21 whether or not people can kind of agree between themselves
22 that it wasn't expedited. I get a little worried about
23 unrepresented parents maybe not understanding the
24 implications of making it unexpedited and, you know, that's a
25 pretty serious protection that's set up there and I worry

1 about uneducated waivers, so that's just something we're
2 putting out there. The second piece regarding continuances
3 for me is short of something truly extraordinary, the parent
4 is -- you know, something horrible happens, like a death the
5 day before the hearing, but in general, we have very
6 absolutes and, quite frankly, if you can settle it on Day 15,
7 you can settle it on Day 13 and to me, having a drop-dead
8 deadline just simply alerts people that they need to have
9 settlement discussions early. If it becomes known as a
10 spongy deadline, then all it does, in my opinion, is move
11 those firm discussions out a little farther. So I don't know
12 that you're really gaining anything except in extremely rare
13 cases. I'm not saying there shouldn't be an excuse, my
14 thinking death or accident, really awful unforeseen things.

15 MR. REZOWALLI: It does sound to me that's kind of
16 what happens. I hear very rare, unusual, almost never
17 happens (overlapping) in those cases. And I think you're
18 saying the same thing, in very rare situations, which still I
19 think is saying in rare situations, this seems like it makes
20 sense to me to do that. I'm not hearing any -- one thing
21 about recommendations is that make recommendations and we
22 could get back sometime later saying we can do that. I would
23 accept recommendation from OAH.

24 ADMINISTRATIVE LAW JUDGE KOPEC: Well, I guess I'm
25 wondering at this point -- and I really do appreciate the

1 discussion. It's been really, really helpful, but I guess --
2 at least I haven't different ideas, but I haven't heard any
3 recommendations, so at this point I'm wondering whether
4 anyone wants to present a recommendation or whether we just
5 want to continue some general discussion.

6 MS. BROUSSARD: One thing I thought I heard in the
7 beginning of what you said, Judge Kopec, was that sometimes
8 it's for settlement purposes. So to me, I think settlement
9 purposes should be distinguished from true emergency
10 purposes. So for me, if a recommendation is going to be
11 made, I would support one that was an extenuating
12 circumstance versus a, hey, nobody bothered to get on the
13 phone with each until yesterday type of circumstance. Not
14 that that happens.

15 UNIDENTIFIED FEMALE: My recommendation would be to
16 just follow the law and not allow it.

17 MS. DALTON: This is Margaret Dalton. My thought
18 is not a recommendation, just my thought is that the law
19 isn't always quite as clear as we are suggesting is it today
20 and that depending on interpretations, very reasonable and
21 knowledgeable people might disagree on the interpretation.
22 One of my thoughts is, and I don't know if this has ever
23 happened since it's only my second meeting, but do you ever
24 allow a workgroup to work on an issue and then bring it back
25 at some point? I mean, some of us who spoke up today and

1 anyone else who wanted to on the committee. I mean, do you
2 ever have subcommittees, so to speak, to work on it so that
3 we could work on it and maybe come back with something more
4 solid after we do some research or is that not within the
5 scope?

6 ADMINISTRATIVE LAW JUDGE KOPEC: We haven't done
7 that in the past and I think it -- I guess I would suggest
8 that if that is something that folks would be interested in
9 that that should be presented as an agenda item for further
10 discussion, because I think that would be a significant
11 change, at least in the informality of how things have run so
12 far. But I think we've had a recommendation that we follow
13 the law. I don't know if that's been seconded or if that was
14 intended to be a recommendation.

15 MR. WRIGHT: There's a hand up here. Maureen?

16 MS. GRAVES: Yeah, this is Maureen Graves. The
17 federal regulations of each state shall establish a timeline
18 for expedited due process hearings that results in a written
19 decision being mailed to the parties within 45 days of the
20 public agency's receipt of the request for the hearing
21 without exceptions or extensions.

22 ADMINISTRATIVE LAW JUDGE KOPEC: What's that
23 regulation are you citing?

24 MS. GRAVES: That's 34CFR300.528.

25 ADMINISTRATIVE LAW JUDGE KOPEC: And so what you're

1 saying is it's 45 days regardless of whether it's expedited
2 or not expedited?

3 MS. GRAVES: No, that's for expedited ones and 45
4 days without extensions or exceptions.

5 UNIDENTIFIED FEMALE: Yeah, but that doesn't --

6 UNIDENTIFIED MALE: That doesn't apply to expedited
7 proceedings.

8 MS. GRAVES: It doesn't apply to what?

9 UNIDENTIFIED MALE: I don't think that particular
10 cite applies to expedited proceedings.

11 MS. GRAVES: No, it is. It's each state shall
12 establish a timeline for expedited due process hearings.

13 UNIDENTIFIED FEMALE: But that doesn't speak to the
14 circumstances when expedited hearings are in effect.

15 MS. GRAVES: No, but it says if it's expedited, we
16 can have a continuance, so that approach doesn't --

17 UNIDENTIFIED FEMALE: So, I have a recommendation,
18 which is that --

19 ADMINISTRATIVE LAW JUDGE KOPEC: (Overlapping) --
20 I'm sorry, just wait a minute, please.

21 UNIDENTIFIED FEMALE: Sure.

22 ADMINISTRATIVE LAW JUDGE KOPEC: Okay, I have the
23 IDEA reauthorize 2007, which although it's not current, it's
24 the only bound volume available in the marketplace and, Ms.
25 Graves, at least in my book, it indicates that 34CFR300.528

1 was removed or repealed.

2 MS. GRAVES: Oh, okay, that's what happens when you
3 (overlapping).

4 ADMINISTRATIVE LAW JUDGE KOPEC: So that's why ask,
5 again, I'm relying on the statute rather than the regulations
6 and the statute seems to be clear that for an expedited, you
7 have the hearing within 20 school days and the decision
8 within ten school days and that is 20USC1415(k) --

9 MS. GRAVES: Two and 3(b).

10 ADMINISTRATIVE LAW JUDGE KOPEC: Three, 3(a)
11 discusses what the issues are that give rise to expedited and
12 B gives rise to the timeframe.

13 MS. GRAVES: And it looks like it's now
14 34CFR300.532, sorry.

15 ADMINISTRATIVE LAW JUDGE KOPEC: So (overlapping) -
16 - I'm sorry, do we have a recommendation or a proposed
17 recommendation or further discussion?

18 MS. TAYLOR: I would like to make a recommendation,
19 Constance Taylor in Southern California.

20 ADMINISTRATIVE LAW JUDGE KOPEC: Okay.

21 MS. TAYLOR: So my recommendation is that OAH allow
22 both parties to advance arguments as to whether the expedited
23 issues should be unexpedited. Simple enough?

24 ADMINISTRATIVE LAW JUDGE KOPEC: Okay.

25 MS. TAYLOR: Your question was, I believe, whether

1 OAH should automatically in every case force the expedited
2 issues to go forward. So my recommendation is OAH should
3 hear arguments from both parties as to whether the expedited
4 issues could be unexpedited.

5 MR. REZOWALLI: (Overlapping) and to act on those
6 requests, because you can forward arguments (overlapping) --

7 MR. WRIGHT: (Overlapping) she had made a
8 recommendation earlier that we follow the law, but do you
9 want to continue what you're --

10 UNIDENTIFIED FEMALE: Yeah, I mean, my concern with
11 Ms. Taylor's recommendation is that if parents are
12 unrepresented and school districts are filing these motions,
13 the parents aren't going to know how to respond to it. So I
14 just -- it seems to me that, I mean, in my view, the law is
15 clear and I think if both parties would like to have it
16 continued, I'm open to that discussion, but if both parties
17 don't want a continuance, it seems to me that, you know, it
18 should be expedited.

19 MS. TAYLOR: Well, that can be part of the argument
20 (overlapping). It doesn't have to be necessarily a written
21 argument. It could be a conference with the judge so there
22 could be dialogue. I'm open to tweaking the recommendation,
23 but I think it doesn't -- it should not be black and white.
24 It's been expedited, it must remain expedited, period. I
25 think there needs to be argument and there needs to be

1 discussion, if you want to call it discussion, but both
2 parties give input to OAH on the matter.

3 MR. WRIGHT: Question. A member of the public is
4 eager to speak. Was there -- were there instructions that
5 once we've made a decision and -- if we made a decision and
6 that you have a second on an item, that -- when will the
7 public have a chance to speak on this topic, is my question.

8 ADMINISTRATIVE LAW JUDGE KOPEC: Well, it seems to
9 me we currently have a recommendation. I don't know that
10 we've had it seconded, but it seems as though we've had
11 enough interested that I'm assuming there's interest to go
12 forward --

13 UNIDENTIFIED MALE: I second.

14 ADMINISTRATIVE LAW JUDGE KOPEC: Okay, so we have
15 it seconded. So I'd like to see if there are any additional
16 comments from the -- if there are no further comments, why
17 don't we go ahead and hear the public comment on this
18 particular recommendation.

19 MR. WRIGHT: Margaret had her hand up, maybe
20 another comment?

21 MS. DALTON: One quick comment, Judge Kopec. Thank
22 you for your patience. One question I would have -- and I
23 don't have a computer opened up to look up the statute, but I
24 believe that the timeline is just as firm for a -- let's call
25 it a regular request for a hearing, right. So if that's the

1 case, I think it's easy to make an argument that there is
2 discretion, whether it's continuances or in another way,
3 because otherwise, we would never be able to stop the train,
4 even for the 45 days for a regular. I'm not sure why we're
5 putting so much more emphasis, except that, yes, this was a
6 piece pulled out of the statute to protect certain things.
7 Do you see where I'm going with that?

8 UNIDENTIFIED FEMALE: Well, because I think that
9 the other statute allows for good cause for continuances.

10 MS. DALTON: Right.

11 MR. WRIGHT: So we had a second. And a member of
12 the public wants to speak.

13 ADMINISTRATIVE LAW JUDGE KOPEC: The public member,
14 I mean the public member wants to participate (overlapping).

15 MR. ATWOOD: Yeah, my name is Peter Atwood
16 (phonetic). Am I hearable or should I --

17 MR. WRIGHT: No, you're fine.

18 MR. ATWOOD: Okay. As I was listening to this, I
19 remember that it might have been two or three months ago
20 maybe that the 9th Circuit came down with a decision very much
21 to this question. The school district sued the Office of
22 Administrative Hearings in Washington saying you didn't do
23 this within the 45-day timeline and you screwed us out of our
24 rights. And the 9th Circuit said that 45-day timeline is
25 there to protect the student and it doesn't give the district

1 anything. The Office of Administrative Hearings has
2 discretion to go beyond the 45 days if the parent and student
3 don't object and so the district had no standing, so it looks
4 to me like this is a lot the same situation. To me, it's
5 another timeline thing. The timeline is there specifically
6 to protect the student and the parents and so if they want to
7 enforce it, they can enforce it and if they don't want to
8 enforce it, nobody else has any standing to complain about
9 it, based on what the 9th Circuit said (overlapping) I read
10 it. It was a funny case. The judge starts laughing at him
11 about how he took Shakespeare too seriously. You could tell
12 he wasn't too sympathetic. But I could look up the case, but
13 it was not long ago.

14 UNIDENTIFIED FEMALE: So the Office of
15 Administrative Hearings had discretion?

16 MR. ATWOOD: Right, well, yeah, they had discretion
17 and the district didn't have any standing to complain about
18 it letting the thing slip, because the thing was intended to
19 protect the student. And you're not protecting the student
20 when you compel the hearing to go forward against the
21 student's way.

22 UNIDENTIFIED FEMALE: Okay.

23 MR. WRIGHT: I had that line in my hand if you want
24 to hear it. The summary anyway, of the case. It's case
25 number 15, issue - "may a hearing officer grant requests for

1 continuances made by the parents, even if it results in
2 decision being made outside the required 45-day time limit
3 set by the IDEA." The case was Lake Washington School
4 District, No. 414 v. the Office of the Superintendent, the 9th
5 Circuit, 2011. "The LEA has no standing to complain about
6 the continuances. The IDEA's procedural safeguards are there
7 to protect the parents' rights, not the school districts'."
8 And that's the silver bullet that came out of a PowerPoint
9 training of OAH judges that you guys put on for judges all
10 around the country in San Diego a couple of months ago.

11 MR. REZOWALLI: Quick comment, that was for
12 expedited hearing, I'm assuming (overlapping.)

13 UNIDENTIFIED FEMALE: Was it a school district?

14 MR. REZOWALLI: Was that referencing an expedited
15 hearing.

16 ADMINISTRATIVE LAW JUDGE KOPEC: I don't believe it
17 was an expedited hearing (overlapping) but any further
18 comments on the recommendations?

19 UNIDENTIFIED FEMALE: I'm sorry, I'm going to be
20 wracking my head again and again, but I think though the
21 difference is that again, if the parent and the student
22 consents, it's different than if they're unrepresented and
23 they don't know whether to consent or not. Because I think
24 that allowing the arguments, again, if a school district is
25 represented by counsel, their arguments, obviously, is going

1 to most likely be a lot more -- you know, I don't want to
2 make a -- I'm trying to figure out -- but my main concern is
3 just I think that if parents are unrepresented, I don't think
4 it would be a fair process and I think that they --
5 oftentimes when I have, I've discussed with my clients, you
6 know, why did you sign the IEP, their response is, well, the
7 school district told me I had to. So if they're
8 unrepresented, they don't know their rights. So they file
9 and then the school district files a motion to unexpedite the
10 issue, how are they going to respond? You know, so, I mean,
11 I would add that if, you know, I -- that it has to be only in
12 circumstances where both -- I mean, I don't even, I don't
13 know, like if both parties consent, but then it's like, you
14 know, if the party doesn't know their rights, it's kind of
15 hard for them to consent.

16 UNIDENTIFIED MALE: Well, how about if a parent
17 asks?

18 UNIDENTIFIED FEMALE: If a parent asks
19 (overlapping) --

20 ADMINISTRATIVE LAW JUDGE KOPEC: Wait a minute, I'm
21 sorry.

22 UNIDENTIFIED FEMALE: And I think that's the
23 difference with -- to me, I mean, I haven't read this case,
24 but to me it seems that this case is about standing in the
25 LEA's file. I mean, the law is created to protect the

1 students. So, I mean, I think that maybe the decision would
2 have been different if the student filed.

3 ADMINISTRATIVE LAW JUDGE KOPEC: Again, I just want
4 to go back, because my notes, in terms of the recommendation,
5 we sort of talking about continuances and that type of thing
6 and the timeline and if I understood the recommendation, it's
7 merely to recommend that OAH allow both parties to provide
8 argument about whether a matter should be unexpedited. And
9 so I guess that's the issue --

10 UNIDENTIFIED FEMALE: I think she's saying --

11 ADMINISTRATIVE LAW JUDGE KOPEC: -- that I -- I'm
12 not sure how your comments go to that issue in terms of -- I
13 mean, a parent would be, I assume, would have the ability to
14 provide whatever arguments and then it would be up -- it's
15 basically in the nature of a motion, which is how they
16 currently come through. The motion is made to unexpedite,
17 the arguments are given by the moving party, the other party
18 has an opportunity, and then a judge decides.

19 UNIDENTIFIED FEMALE: Yeah, I think the case is
20 right on point, because your question seemed to be in the
21 nature of does OAH have discretion to unexpedite if the law
22 says we have to expedite and this is saying OAH has some
23 discretion. The law seems to be clear, but in this case, OAH
24 has discretion, so there you go.

25 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. Any further

1 comments before a vote is taken? Okay. Southern California,
2 since one of your members made the recommendation, all in
3 favor?

4 UNIDENTIFIED FEMALE: Aye. (Overlapping)

5 ADMINISTRATIVE LAW JUDGE KOPEC: And could you just
6 say, because I can't -- someone indicate who is voting in
7 favor?

8 MR. REZOWALLI: Would you like the chair to count?

9 MR. WRIGHT: (Overlapping), Christine in favor,
10 Maureen in favor, Paul in favor, looks like everyone but Miho
11 and myself, so Bob Wright and Miho -- well, she didn't vote,
12 I don't know if it's an abstain or object, so does that
13 answer your question?

14 ADMINISTRATIVE LAW JUDGE KOPEC: Okay, so how many
15 in favor?

16 MR. WRIGHT: Okay, I'm sorry. So Constance Taylor,
17 Christine Smith, Maureen Graves, Paul Eisenberg, Ann Delfosse
18 (overlapping) --

19 UNIDENTIFIED FEMALE: Perfect.

20 MR. WRIGHT: Miho Murai --

21 MS. MURAI: I'm not --

22 MR. WRIGHT: Oh, excuse me. Scratch Miho, she
23 didn't vote on it (overlapping) and Margaret Dalton.

24 ADMINISTRATIVE LAW JUDGE KOPEC: Six.

25 MR. WRIGHT: And those -- they have all voted

1 Yes --

2 ADMINISTRATIVE LAW JUDGE KOPEC: Okay.

3 MR. WRIGHT: -- in favor of this recommendation.

4 ADMINISTRATIVE LAW JUDGE KOPEC: All right. And
5 opposed?

6 MR. WRIGHT: Miho Murai and Bob Wright.

7 ADMINISTRATIVE LAW JUDGE KOPEC: Okay, so that's
8 two opposed. Okay --

9 MR. REZOWALLI: Since we're not taking names, we're
10 just looking for ayes, nays and abstentions; is that correct?

11 ADMINISTRATIVE LAW JUDGE KOPEC: Well, actually for
12 the note-takers, I'm looking for both maybe. I think we
13 should have both.

14 MR. REZOWALLI: Names of the people?

15 ADMINISTRATIVE LAW JUDGE KOPEC: Yeah, names and
16 numbers.

17 MR. REZOWALLI: Okay, so all in favor of the
18 motion, raise your hand. Okay, so we have one, two, three,
19 four, five, six, seven ayes. Do you want those names?

20 ADMINISTRATIVE LAW JUDGE KOPEC: Yes.

21 MR. REZOWALLI: If you just say your name for ayes,
22 it's Katie Russell, Susie Malloy, Christian Knox, Kent
23 Rezowalli, Margaret Broussard, Fran English and Tom Gibson
24 are the ayes. Against the motion, raise your hand.
25 Abstention, raise your hand. And Katie -- Kate is

1 abstaining.

2 ADMINISTRATIVE LAW JUDGE KOPEC: Okay.

3 UNIDENTIFIED FEMALE: Who's abstaining?

4 ADMINISTRATIVE LAW JUDGE KOPEC: Kate, Ms.
5 Chilcote. Okay, it looks as though it has passed. Thank you
6 very much. Any additional discussion on this subject, public
7 comment, any web comment? No, okay. Terrific, thank you
8 very much. I really appreciate your discussion. It's very,
9 very helpful for us and I look forward to responding to the
10 recommendation.

11 All right, the next Item 3d is the legal help or
12 hot line. And this was an agenda item that was submitted by
13 our Southern California chair, Mr. Wright, so at this point,
14 I will turn it over to you for a -- for further discussion.

15 MR. WRIGHT: Okay. (Inaudible) the idea of an
16 unrepresented parents being able to be given information
17 about the laws that they are, you know, have to respect and
18 that those districts have to respect is lack -- is currently
19 not available. The 164-page handbook from OAH is, you know,
20 a large document and, when you call OAH, my experience is
21 they're -- you know, I cannot any legal advice, I cannot
22 provide legal advice, I know as a real estate broker, you
23 know, I'm a real estate broker in the state of California, we
24 have a legal hotline and that resource saves probably 90
25 percent of the potential arbitrations and lawsuits that we

1 could have because we can speak to someone who knows the
2 laws, the rules and the process, the guidelines that have to
3 be followed and present, you know, the facts about the
4 situation as they understand it, that apply to anyone. Not
5 specifically (inaudible) but this is the problem, this is
6 what you have to do, this is the timeline you have to do and
7 just to allow more people to be able to get resolution.

8 The current reports from OAH show us that 78
9 percent of the cases files, the due process hearing cases
10 filed by parents were represented by attorneys. And my
11 experience was I had three estimates, 35, 50, and 75 thousand
12 dollars to go forward on a due process hearing and I was told
13 that the likelihood of actually having a hearing was very
14 low. I know there's lots of other resources there, but so I
15 have to hire an attorney to represent myself and don't have
16 the money to pay the attorney or I decide I can't do this
17 because I don't have the money for an attorney and I'm not
18 capable of understanding this process.

19 And I learned there's an organization called TASK,
20 which has federal funding to help students and families prior
21 to the filing of a DPH, that they'll help them prepare or
22 plan that, but I don't know how many people contact OAH and
23 not getting any legal advice, not being able to afford an
24 attorney, have to just accept what the district is presenting
25 them. So that's my concern.

1 And again, my experience has been that a few
2 minutes on the phone up front with someone who knows the laws
3 and the procedures can save a ton of taxpayer dollars and
4 student dollars and reduce -- you know there's 1,300 cases
5 filed with OAH and only a few of them actually go to hearing,
6 so most of the work that OAH does is prior, you know
7 something besides an actually hearing. And to, again, to be
8 able to allow more students to have access to their rights
9 without those that don't have the money to pay an attorney.
10 And even if they do have the money, it's not helping the
11 student. It's taking resources away from what was supposed
12 to (inaudible) from the teachers and students and schools.
13 And I know that law be contracted between OAH and the
14 California Department of Education states that OAH is not
15 required to provide legal advice. It's doesn't say that OAH
16 is not allowed. So, but advice and fact are two separate
17 issues. So that's plenty out of me to get started I think.

18 ADMINISTRATIVE LAW JUDGE KOPEC: Okay, thank you.

19 MR. EISENBERG: I have a comment. This is Paul
20 Eisenberg. I just -- my comment back, Bob, is that I know
21 that there agencies out there, federal -- state agencies, as
22 well as nonprofit agencies, that parents can have readily
23 access to, Disability Rights in California being one of the
24 larger one in the state of California, that at any time you
25 can contact them and ask them questions and get "legal

1 advice" or comment. I know that the state Council on
2 Developmental Disabilities has satellite offices. You can
3 call them and ask them questions as well.

4 MR. WRIGHT: That would a wonderful resource for
5 the hotline. If it was on the website at OAH, questions,
6 free agencies, contact them before you contact OAH or an
7 attorney, because I didn't know about that. The resource
8 that's on the OAH webpage (recording disruption) hire an
9 attorney, I can contact these agencies and get help. That's
10 wonderful.

11 MR. EISENBERG: But I just look at it, as I'm not
12 sure that OAH -- I'm not going to speak for OAH, I don't
13 think that OAH would want to put themselves in a situation
14 where they are giving "legal advice" to parents.

15 MR. WRIGHT: Well, again, that's a separate topic
16 and I think -- you know, I personally think that they should.
17 A lot of work up front -- a little work up front would save a
18 lot of work going through cases that never get to hearing
19 anyway. But again, that's discussion -- excuse me for
20 talking so much. Go ahead, Christine.

21 MS. SMITH: I just want to say as part of my work
22 as a district director is to get those calls from the school
23 from parents when there's a concern and try to deal with it
24 at a lower level, but we have within our SELPA, a SELPA
25 director who is more than willing to take calls and to give

1 advice to parents in regards to the law and is not unhappy
2 with at times saying to a school district director, you know
3 what, you need to look at this, it sounds like the school
4 didn't do what they're supposed to and this is going to go
5 forward. So I think there's some intermediary levels to be
6 able to correct things before they go to a higher level and
7 we also have recommendations through our parent (inaudible)
8 but also giving regional centers the recommendations for
9 parents if they do need legal advice. So I think it's out
10 there. Maybe it just isn't publicized as much as it needs to
11 be.

12 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. Ms.
13 Broussard?

14 MS. BROUSSARD: I'm not sure that I'm tracking,
15 Bob, exactly what your request is because I just want to make
16 sure I understand. Your original suggestion is that there be
17 a phone line that parents can call, reach an attorney who
18 would what?

19 MR. WRIGHT: I didn't say that, no. (Overlapping)

20 MS. BROUSSARD: Oh, well, tell me. What's your --

21 MR. WRIGHT: (Overlapping) reach somebody that
22 knows, whether that's an attorney or not, that's a separate
23 topic.

24 MS. BROUSSARD: What do you mean, someone that
25 knows? Like what -- what I'm trying to figure out is it a,

1 hey, what's the deadline, what's the timeline when you file a
2 due process hearing or is the question, Billy's in an English
3 class and the English teacher isn't doing what they're
4 supposed to do, what do I do?

5 MR. WRIGHT: Well, my experience with the
6 Department of Real Estate that their resource -- you don't
7 speak with an attorney unless someone who is not an attorney
8 has filtered your request and has determined that you should
9 be referred to an attorney. So the resource is to provide
10 guidance and information about the facts. So if OAH decided
11 that they should provide an attorney or even a judge to speak
12 with the consumers, it might save them a lot of travel time
13 and calendar -- I'm open to whatever is suggested. But I
14 don't have a specific, they should provide, you know, three
15 advocates and two attorneys and one judge for anybody who
16 calls, no.

17 MS. BROUSSARD: I'm more asking scope than who.
18 I'm trying to understand whether what you're asking for is
19 someone that would answer the phone and answer a quick kind
20 of procedural question or are you looking for someone to
21 answer the phone and take a case?

22 MR. WRIGHT: I don't know what take a case means,
23 but --

24 MS. BROUSSARD: Well --

25 MR. WRIGHT: When you say --

1 MS. GRAVES: I guess I'm not sure there are simple
2 -- this is Maureen Graves. I'm not sure there are simple
3 procedural questions (overlapping) --

4 MS. BROUSSARD: Well, I wasn't going to get to that
5 part yet, but yeah. I'm just trying to understand. The
6 problem I think I'm having with it, as an attorney, is legal
7 advice is really complicated and it's dependent on so many
8 things that I think it would be -- well, first of all, I
9 always worry about people giving legal advice who aren't
10 attorneys. That's just my own problem with that. But the
11 amount of information one needs to answer a question is
12 usually gigantic. Hardly ever does anyone call me and I can
13 say yes or no. So as I'm listening to your suggestion, I'm
14 just thinking, never mind of the who, is that happening seems
15 so cumbersome to me in the about of time, energy, I guess,
16 volunteers that that would take seems really high to me.

17 MR. WRIGHT: Excuse me. The Department of Real
18 Estate, they do have attorneys that will give you the legal
19 facts based on the information you provide them and I don't
20 know, you know, I've only used it a few times and it's 15 or
21 20 minutes of an attorney's time up front and then I haven't
22 had to pay an attorney to file a case and spend tens of
23 thousands of dollars because I didn't know what the -- you
24 know, what my rights were. And so, again, to provide an
25 attorney up front, you know, the OAH, I saw in the budget, we

1 have like \$10 million for dispute resolution in the annual
2 budget. Now that may be totally incorrect. I just saw those
3 two numbers the other day, like last night.

4 But the point is, the number of cases that are
5 filed, the number of cases that are filed with an attorney
6 representing the student and the number of cases that get a
7 hearing and then get decided, there's a big discrepancy
8 between those two numbers and I know that the average
9 American in California today doesn't have an extra \$50,000 to
10 pay an attorney if they have a problem with their school
11 district, no matter how important it is to them. So, you
12 know, long answer to that, but I understand that an attorney
13 that specializes in this business doesn't want to be, you
14 know, they want to get all the business they can. And my
15 proposal is kind of against supporting this field of law.
16 (Overlapping) So that's -- you know, I couldn't afford an
17 attorney to represent me when the district filed and it
18 consumed a month of my time.

19 MS. BROUSSARD: I just wanted to say that --
20 because that's going out on the webcam and things like that,
21 but I think that it is possible to find attorneys who will
22 represent parents for a significantly reduced amount than
23 that, so I just don't want anyone to -- who's listening to
24 not think that there aren't resources available for
25 significantly less money than that. But I think it becomes a

1 problem of the -- to me, as we're discussing this, a problem
2 of what is the public -- what is the responsibility of the
3 government, which is OAH in my opinion, and what is the
4 responsibility -- not the responsibility of the government.
5 And I would be very worried about anyone who worked for the
6 deliberative body giving legal advice to one side or another
7 because they're the deliberative body. They're the
8 independent body. They're the body that if push comes to
9 shove and there's not a decision -- not a resolution, they're
10 going to be deciding. So to have either party seeking legal
11 advice from them, to me is problematic.

12 MR. WRIGHT: Fine, great.

13 MS. CHILCOTE: Can I make a comment here, as
14 parent? Kate Chilcote. I would agree with that. What I do
15 think we need as parents, though, and as unrepresented
16 parents and as people that are willing to be ed rights
17 holders is that when they're -- especially when there's an
18 expedited need for a child who's going to lose a placement or
19 be disciplined, when you do call the OAH and you're just
20 trying to get information about the process, about what I
21 need to file, what does service of delivery mean, I mean,
22 those kinds of things, when you try and read that on the
23 website, as a parent, I can see the need -- I wouldn't really
24 classify that as legal advice, but I can see the need to have
25 a hotline so you can have definitions of the process.

1 Because sometimes we only have five days. You don't even
2 have time to get a hold of the other agencies to seek advice,
3 but you need to file paperwork. So I can see the need to
4 have a hotline where you can at least get the process, the
5 paperwork process, explained in time to do something so that
6 you can seek out those other references. That would be my
7 suggestion.

8 MR. WRIGHT: Miho would like to comment here.

9 MS. MURAI: I just wanted to say, I know that the
10 State Bar at this point has something similar where attorneys
11 can call in and they, the State Bar cannot give legal advice,
12 but they can cite you to federal law and they can cite to
13 case law. I used to work at the State Bar and sometimes when
14 I call, they do give legal advice, but, I mean, when they
15 state it, they say it's not legal advice, but obviously some
16 people take it as legal advice, but I'm thinking that, I
17 mean, because I'm familiar with the OAH referral list, I'm on
18 it, and I know that there are agencies listed there that do
19 not charge at all.

20 So my concern -- I do feel like there needs to be a
21 hotline of some sort and I do feel, especially for parents
22 that do not speak English, because I get those calls really
23 last minute, because they can't even read the OAH referral
24 list because it's in English. And so I do think that there
25 needs to be definitely something geared towards that

1 population as well as, you know, I mean, this is -- I'm kind
2 of going ahead of the agenda, but I felt that the website
3 before was a lot more user-friendly. I feel like the one --
4 I can't even figure out where the Advisory Committee minute
5 notes are. And so it seems to me that if maybe through that
6 website there could be something -- I mean, like where you
7 can enter a question or something like that and people would
8 respond. Because I do have the same concerns. I think it
9 was Margaret that stated about having the governing body give
10 legal advice, but then at the same time, the State Bar does
11 do that, but it's not legal advice. They just cite cases and
12 then you have to look at the cases and interpret it. But
13 that's kind of a middle ground and -- yeah, I don't know.

14 MR. GIBSON: I was just going to say --

15 MR. WRIGHT: (Overlapping) -- I think I hear
16 Maureen.

17 ADMINISTRATIVE LAW JUDGE KOPEC: Wait a minute.
18 I'm sorry. We have some -- I'd like to have some Northern
19 California, okay, and then we'll get back to Southern Cal, if
20 you don't mind. Mr. Gibson?

21 MR. GIBSON: I just wanted to sort of echo the
22 comment that I wasn't sure OAH was really the appropriate
23 entity for this role. I do think there's merit to the idea
24 that Fair Political Practices Commission has a good model for
25 a hotline. You can and, while they may not give you "legal

1 advice," they'll give you the answer in most instances. So I
2 think there's an ability to have it be done, but I don't
3 think it ought to be OAH.

4 ADMINISTRATIVE LAW JUDGE KOPEC: Maureen, Ms.
5 Graves?

6 MS. GRAVES: Yeah, first of all, in addition to
7 nonprofit agencies or government agencies that provide legal
8 free advice, there are also many private practitioners who
9 will take some good cases for free. So people should not not
10 call private sector lawyers because they can't pay.

11 And also, I mean, I think the State Bar model works
12 for the ethics hotline because you're talking to lawyers and
13 they're tell them check out, which provisions to look at and
14 helping lawyers brain storm about ethical issues. I don't
15 think that's a model for Special Education advice,
16 unfortunately.

17 And I think that if would be very inappropriate for
18 OAH to be giving out legal advice and I would have a lot of
19 concerns about what it and what it would be if they did.
20 That being said, if people are calling up and saying, I need
21 to file a hearing request and who do I serve it to, that
22 seems like the kind of procedural question that OAH ought to
23 be able to tell people what to do. That's like saying what
24 fax number do I send it to? Who at the school district do I
25 send it to? So maybe if it's in the handbook that people are

1 not understanding from the handbook and need to have
2 translated or they need to have it orally because they're
3 freaking out, then that sort of thing OAH ought to be willing
4 to tell people over the phone.

5 And if it's the case that people can't find lawyers
6 who speak their language, without going through an English
7 thing, then maybe on the translated pages of the webpage, it
8 should have a list of the lawyers who purport to speak that
9 language and the agencies that purport to have supported that
10 language.

11 ADMINISTRATIVE LAW JUDGE KOPEC: Anything --

12 MR. WRIGHT: I hate to hog, but does anybody else
13 want to speak before I say something else? I have the
14 current list or the list dated October 11, 2010 from OAH of
15 the Fee-Reduced Costs Special Education Attorney/Advocate
16 List and I guess reading that explains that Special Education
17 Attorney/Advocate List doesn't include TASK -- I didn't write
18 down the names of the institution that Paul Eisenberg
19 mentioned, but this list, which is what you get from OAH's
20 site doesn't have TASK on it and TASK is federally funded and
21 helps people prepare a due process filing, which is what I'm
22 -- you know, that's the point I'm trying to get to, is to
23 provide a resource, whether it's OAH or whatever is out
24 there. I'm not an expert in what resources are available to
25 the public that are funded by the state or the federal

1 government. But OAH, you know, to provide that information
2 as just a channel, you know, whether it's issue with language
3 or, you know, so again, this list doesn't have free, it's got
4 reduced-fee -- it says free, but it's attorneys and
5 advocates, it's not TASK and whatever else that example is
6 trying, you know the point I'm trying to make.

7 ADMINISTRATIVE LAW JUDGE KOPEC: Is there a
8 recommendation or any further discussion?

9 MR. EISENBERG: I just -- It's Paul Eisenberg. You
10 know, I hear what Bob's saying and I just kind of look at is
11 as I think that in calling OAH having them be able to refer
12 to a resource list to be able to give some resources to
13 parents at least gives them something. You know, hearing
14 what Maureen says about procedural issues, that makes perfect
15 sense to me, although I'm not sure that I'm versed enough to
16 comment one way or the other, although, in principle, it
17 makes sense in terms of procedural issues and not legal
18 issues. But I do think what helps parents out more than
19 anything else to point them in a direction that they can go
20 to to get help or proposedly [sic] get help would make more
21 sense to me.

22 ADMINISTRATIVE LAW JUDGE KOPEC: Anything further?

23 MR. WRIGHT: The only other comment I had is if the
24 example of the Department of Real Estate, the legal hotline
25 that they provide is a model that could be looked at,

1 (inaudible) because you do get to speak to whatever resource
2 is available and is appropriate at the beginning of the
3 process. Thank you.

4 ADMINISTRATIVE LAW JUDGE KOPEC: Ms. Broussard?

5 MS. BROUSSARD: My only comment to that would be,
6 it just finally occurred to me how to verbalize my issue.
7 The Department of Real Estate, I think in this case, would be
8 analogized to CDE, not OAH. Because my understand is that
9 OAH actually, I think, hears some Department of Real Estate
10 problems. So to me, that's more of a CDE issue that they
11 would be analogous to the Department of Real Estate in your
12 example versus OAH, which is a deliberative body. So I have
13 no comment, I mean, I'm not opposed to your piece, I just
14 think OAH isn't the proper venue for that.

15 MR. WRIGHT: I had a contract that OAH has with
16 CDE. I just read the quote about they're not required to
17 provide legal advice, but I understood that OAH was the
18 dispute resolution resource that CDE is contracted with for
19 disputes; is that correct?

20 ADMINISTRATIVE LAW JUDGE KOPEC: Yes.

21 MR. WRIGHT: Okay, thank you.

22 ADMINISTRATIVE LAW JUDGE KOPEC: Yeah, we provide
23 mediations and due process hearings under the IDEA and the
24 Education Code. Mr. Gibson?

25 MR. GIBSON: I think it might be worth, in terms of

1 this list that OAH has now, having OAH revisit the list, make
2 sure it's current and thorough and that it includes
3 governmental resources available and then following up on the
4 comment from Southern California, it could also encourage
5 folks to make sure that they've actually reached out to
6 resources within their district or county as an initial
7 matter before going to another level. There was a comment
8 that the SELPA director down south would be someone that
9 would be open to talking to people and I think those sorts of
10 resources shouldn't be ignored either.

11 UNIDENTIFIED FEMALE: But not giving legal advice.

12 MR. GIBSON: Right, no, just answering questions.

13 UNIDENTIFIED FEMALE: Basic procedural --.

14 MR. GIBSON: Yeah.

15 ADMINISTRATIVE LAW JUDGE KOPEC: Okay, but, is that
16 a -- I mean, we don't yet have -- I haven't yet heard a
17 recommendation. So do you want to make that recommendation
18 or just a discussion --

19 MR. GIBSON: I heard some reaction, we can hear
20 what the reaction was (overlapping).

21 MR. WRIGHT: (Overlapping) down in Southern
22 California that want to talk.

23 ADMINISTRATIVE LAW JUDGE KOPEC: Okay.

24 MS. MURAI: This is Miho Murai. I would just say
25 that maybe a recommendation would be to update the referral

1 list. I think that my understanding of the referral list is
2 that you have to request to be put on it, so -- because I --
3 like in my website, there's a number of nonprofits that I
4 list that do provide free -- and as well as my office, so I
5 mean, I think that it's just to be known. And I also think
6 that that needs to be done, too, like in terms of the
7 referral list to make sure that the attorneys that are on
8 there are actually, you know, not charging or have reduced
9 fees to --

10 MR. WRIGHT: Separate them.

11 MS. MURAI: -- sep -- well, I don't necessarily
12 think we should separate them, but I think my recommendation
13 would be to update the OAH referral list to include, you
14 know, agencies that are not listed, like TASK and whatnot and
15 then also to -- and I don't know how we can do this, but to
16 just ensure that the attorneys that are listed are not
17 charging or are charging reduced fees.

18 MS. GRAVES: Well, I don't -- this is Maureen
19 Graves. I don't think that people should have to agree that
20 they're going to charge reduced fees or nothing in all case
21 to be on the list. I think it's important for people to, you
22 know, know that a private lawyer will consider reduced fees,
23 not that they're necessarily going to do it in every case.
24 So I wouldn't want to be policing whether people were
25 charging reduced fees.

1 MR. WRIGHT: I know the State Bar or one of the
2 California associations, if you want to be listed on their
3 free advertising list, you have to volunteer to provide some
4 free work, because this is pretty good advertising for
5 attorneys and advocates.

6 UNIDENTIFIED MALE: My understanding to this point
7 has been the -- that the list is self-regulatory, just put
8 your name on there and -- at least it -- has never really
9 checked to see or are they required to check to see whether
10 or not it's being -- have free services.

11 MR. WRIGHT: Yeah, my issue to summarize, I'll try
12 to make a proposal here, is for the OAH to provide, in
13 whatever method they're able to or decide to, information
14 that, you know, is available to students and parents to help
15 them decide and to prepare a due process filing, if they
16 choose to do so after being advised. So if the resources
17 that are currently available at OAH should definitely be able
18 to provide access to that information and maybe just changing
19 the list and having a list of free and then a list of
20 reduced-fee and, you know, have attorneys/advocates and, you
21 know, whatever the public agencies are that provide free
22 services so that information is available to the families
23 quickly and easily (overlapping).

24 ADMINISTRATIVE LAW JUDGE KOPEC: Before we go on, I
25 just to clarify that the current list, in order to be

1 included on the list, the individuals included on the list
2 have to certified that they provide free or reduced-cost
3 services and OAH does not do anything other than require that
4 someone indicates that they provide free or reduced cost
5 services in Special Ed matters. So that's how the current is
6 maintained. So I'm a little confused in terms of the
7 recommendation, because I thought we had a fairly clear
8 recommendation that OAH should update the free and reduced-
9 cost list to include to other organizations and agencies,
10 such as TASK, and I assume that's an acronym, T-A-S-K, is
11 that right?

12 UNIDENTIFIED MALE: Team of Advocates for Special
13 Kids.

14 ADMINISTRATIVE LAW JUDGE KOPEC: I'm sorry?

15 UNIDENTIFIED MALE: It's federally funded, Team of
16 Advocates to Special Kids.

17 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. So the list
18 should include TASK and other agencies and that OAH should
19 ensure that individuals or agencies on the list are not
20 charging or are providing -- or have reduced fees.

21 MR. WRIGHT: My wasn't my suggestion, I would -- if
22 I could, I'd say --

23 ADMINISTRATIVE LAW JUDGE KOPEC: Mr. Wright, please
24 -- I'm sorry for interrupting you. I'm not -- things are
25 very confused in terms of what the recommendation is and this

1 is what I need to understand. Because initially, the initial
2 recommendation was that OAH should update the referral list.

3 So --

4 UNIDENTIFIED MALE: Did you bring that
5 recommendation?

6 ADMINISTRATIVE LAW JUDGE KOPEC: Ms. Murai, since
7 (overlapping) --

8 MS. MURAI: (Overlapping) so could I just clarify?
9 I mean, I'll just -- the recommendation is just that the OAH
10 updates the referrals to include nonprofits and other
11 agencies that provide free services. I -- and the policing
12 of the attorneys, I can withdraw or whatever.

13 ADMINISTRATIVE LAW JUDGE KOPEC: Okay, so update
14 the referrals to provide nonprofits and other agencies that
15 provide free or low-cost services in Special Ed matters.
16 Okay.

17 UNIDENTIFIED MALE: Do we have a second to that?

18 ADMINISTRATIVE LAW JUDGE KOPEC: Is there a second?

19 UNIDENTIFIED MALE: I'll second that.

20 ADMINISTRATIVE LAW JUDGE KOPEC: Okay, there's a
21 second. Further discussion?

22 MS. BROUSSARD: Further discussion and just a
23 slight modification. I don't think there's an attorney or
24 group out there that offers reduced and free across the
25 board. I think -- I'm a little worried about the wording of

1 that and I think that it's reduced in free -- reduced and
2 free in certain circumstances. I just am worried that that
3 is worded in such a way that it's actually going to be
4 problematic, so I would recommend that we add, you know, with
5 conditions or in certain -- let's say in certain
6 circumstances to the end of that recommendation.

7 MR. WRIGHT: How about this? We have
8 (overlapping) --

9 ADMINISTRATIVE LAW JUDGE KOPEC: Wait a minute,
10 wait a minute, Mr. Wright. Is that proposed modification
11 acceptable?

12 MS. MURAI: Yes and that's true because if it's
13 based on income.

14 ADMINISTRATIVE LAW JUDGE KOPEC: Okay, Mr. Wright?

15 MR. WRIGHT: I guess I seconded that previous one,
16 I won't second that one, how's that? I would like to just --
17 if there's discussion, I hate to do this to you guys, but
18 should we have a separate list of the free -- and it's not
19 attorneys and advocates, you know, TASK is advocates, but is
20 there a second list of resources that are free and publicly -
21 - you know, that are paid for by some organization, the
22 government, that the public can be made aware of?

23 ADMINISTRATIVE LAW JUDGE KOPEC: Okay, Mr. Wright,
24 I'm sorry. What I'd like to do is let's deal with one
25 recommendation at a time, so right now we have a

1 recommendation that OAH update its list to include nonprofits
2 and other agencies that provide free or low-cost services in
3 Special Ed matters in certain circumstances. And it's my
4 understanding that that's been seconded. So do we have
5 further discussion on this particular recommendation? Okay,
6 seeing none, let's take a vote. And again, let's start in
7 Southern California since that's where the recommendation was
8 initially made. In favor -- and then, Mr. Wright, if you
9 could help me keep track of who is in favor?

10 MR. WRIGHT: Okay, so Bob Wright, Constance Taylor,
11 Maureen Graves, Paul Eisenberg, Ann Delfosse, Miho Murai.

12 ADMINISTRATIVE LAW JUDGE KOPEC: And against?
13 None?

14 MR. WRIGHT: Oh, against?

15 ADMINISTRATIVE LAW JUDGE KOPEC: None. So I had
16 six in favor and none against.

17 MR. WRIGHT: Abstain, we have an abstain. Margaret
18 Dalton has abstained.

19 ADMINISTRATIVE LAW JUDGE KOPEC: Okay, all right.
20 And in Northern California, who is in favor?

21 MR. REZOWALLI: The entire committee is in favor.
22 Do you want everybody's name?

23 ADMINISTRATIVE LAW JUDGE KOPEC: No, that's --

24 MR. REZOWALLI: Okay, so if everybody's in favor,
25 there's probably nobody against.

1 ADMINISTRATIVE LAW JUDGE KOPEC: That would make
2 sense. Okay, now, Mr. Wright, I guess since I interrupted
3 you and it sounded likes perhaps you were making another
4 recommendation, I want to come back to you. Is there an
5 additional recommendation you want to make about having two
6 separate lists or --

7 MR. WRIGHT: I'm just going to ask a question and
8 clarify. With the motion that we've already -- that has been
9 voted on, is OAH going to find that information and provide
10 it? Because I understand the current process is that folks
11 that are interest can put themselves on the list, but if TASK
12 doesn't know that there's a list that they should be on, how
13 are we going to get those resources compiled for the OAH to
14 be able to provide that?

15 ADMINISTRATIVE LAW JUDGE KOPEC: Well, the
16 recommendation is that OAH updates the list to provide
17 nonprofits and other agencies who provide free and low-cost
18 services in Special Ed matters under certain circumstances.

19 MR. WRIGHT: That's going to be a tough bill to
20 fill.

21 ADMINISTRATIVE LAW JUDGE KOPEC: Ms. Graves?

22 MS. GRAVES: Yeah, it concerns me to have somebody
23 put on this list who doesn't know that the list exists and,
24 you know, my experience with TASK has not been that they help
25 write hearing requests. If that's true, that's interesting

1 and important information, but I think you should -- OAH
2 definitely to check with anyone who's going to be put on this
3 list to make sure that they want to be put on this list and
4 any qualifications they want -- you know, the last thing
5 people looking for expedited help in a hearing need is to
6 have a list that suggests that there are all these free
7 resources and then call them up and find out that they really
8 don't do that or they can't do that in your circumstances or
9 whatever. So I would just be sure that agencies agree to be
10 put on the list and control how their services are
11 characterized.

12 ADMINISTRATIVE LAW JUDGE KOPEC: So is that another
13 recommendation?

14 MS. GRAVES: I guess.

15 ADMINISTRATIVE LAW JUDGE KOPEC: Well, it doesn't
16 have to be, I was just --

17 MS. GRAVES: Yeah, well, if it needs -- if that --
18 yeah, that's just how I would want this implemented, so I
19 guess it's a recommendation that nobody be put on this list
20 without their consent and without controlling their self-
21 description.

22 ADMINISTRATIVE LAW JUDGE KOPEC: Okay, is there a
23 second?

24 UNIDENTIFIED FEMALE: I second.

25 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. Any further

1 discussion? Yes, Ms. Malloy?

2 MS. MALLOY: Yes, thank you. I would just like to
3 say that I don't the Office of Administrative Hearings should
4 be required to police the list, so that it may be if the
5 office determines to take this recommendation, which is under
6 advisement at this point, that a caveat could be added that
7 says that they should contact the agency directly to see how
8 it is that they function, prepare for service, parents or
9 students.

10 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. Anything
11 else?

12 MR. WRIGHT: I just will ask the question again.
13 Our motion doesn't cover how it's going to occur. Are we
14 expecting OAH to take it upon themselves to put an employee
15 on the job of contacting every agency they could find to see
16 if they want to go on the list? Is that realistic to suggest
17 that that's a -- you know, request that? Is there another --
18 is there way that you, Judge, with your experience, could
19 suggest -- would actually be plausible for OAH to implement
20 the big-picture idea at making that information available?

21 ADMINISTRATIVE LAW JUDGE KOPEC: Well, at this
22 point, we just respond to the recommendation. And the
23 recommendation that individuals or agencies not be included
24 on the list without their consent and some input how they're
25 described or what information is provided on that list,

1 implied in that is that someone at OAH would have to contact
2 them to get their consent. So that seems to be implicit in
3 this recommendation. So any further discussion about the
4 recommendation?

5 MR. WRIGHT: There's a public comment that would
6 like (inaudible).

7 ADMINISTRATIVE LAW JUDGE KOPEC: Okay.

8 MR. ATWOOD: Yeah, I was think of this list, as I
9 noticed someplace is actually mandated in the law that the
10 state education agencies make available a list of free or
11 reduced-cost services, so that tells me that, if in fact,
12 they are not low-cost or free, there could be a problem with
13 that. So it seems unlikely to me to get OAH in the business
14 of policing these people, but I think OAH, in order to
15 conform with the law here, is going to have to have some kind
16 of mechanism to hear from people, you know, these guys really
17 aren't offering low-cost services. That's one thing that
18 could be done. The other thing is, on the list, when I first
19 went to file a hearing, I saw this list and I thought, oh,
20 there's all these people. Well, it turned out, there's isn't
21 these people. On the top of the list, there ought to be some
22 sort of a notice that these people have said that they offer
23 and low-cost services, but OAH can't be sure that they do, if
24 in fact that's the case, which it is.

25 ADMINISTRATIVE LAW JUDGE KOPEC: Any further

1 comments before we vote on this second recommendation under
2 this item? Okay, Southern California, all in favor?

3 UNIDENTIFIED MALE: Can you -- can I request that
4 we just repeat the recommendation one more time?

5 ADMINISTRATIVE LAW JUDGE KOPEC: Sure. That OAH
6 does not include anyone on the list of free and reduced-cost
7 services without their consent and without input on the
8 information provided on the list.

9 UNIDENTIFIED MALE: Thank you, Your Honor.

10 ADMINISTRATIVE LAW JUDGE KOPEC: Sure. And
11 everyone in LA in favor?

12 MR. WRIGHT: Do we have an abstention, Margaret, or
13 no? One or the other. Margaret hasn't voted yes, how's
14 that?

15 ADMINISTRATIVE LAW JUDGE KOPEC: So who is in
16 favor?

17 MR. WRIGHT: Bob Wright, Constance Taylor, Maureen
18 Graves, Paul Eisenberg, Ann Delfosse and Miho Murai. I'm
19 going to get your name right one of these times.

20 UNIDENTIFIED FEMALE: Perfect.

21 ADMINISTRATIVE LAW JUDGE KOPEC: All right,
22 opposed? Abstained?

23 MR. WRIGHT: Margaret Dalton has abstained.

24 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. And
25 Northern California?

1 MR. REZOWALLI: All in favor, raise your hand.
2 Again, we're unanimous, so everybody's (overlapping) --

3 UNIDENTIFIED FEMALE: No, sorry, no.

4 MR. REZOWALLI: Oh, sorry, there's -- I thought
5 your hand was up. Okay, so we have Advisory Committee
6 Russell, Malloy, Knox, Rezowalli, Chilcote --

7 MS. CHILCOTE: Chilcote.

8 MR. REZOWALLI: Chilcote, yes, I'm sorry, English
9 and Gibson, yes. Those -- and there's one abstention?

10 ADMINISTRATIVE LAW JUDGE KOPEC: And Ms. Broussard
11 is abstaining? Okay, terrific. Anything further on this
12 item? So, it looks as though it's passed and the second
13 recommendation is passed, both in North and South. Any
14 further discussion on this item? Okay, I --

15 MR. WRIGHT: (Overlapping).

16 ADMINISTRATIVE LAW JUDGE KOPEC: I'm sorry?

17 MR. WRIGHT: -- ask the OAH to provide a legal help
18 or hotline and take a vote on that one?

19 ADMINISTRATIVE LAW JUDGE KOPEC: Well, there wasn't
20 any recommendation made and so we went onto the next list.

21 MR. WRIGHT: May I make a recommendation that we
22 ask the OAH to provide a legal help or hotline? If anyone
23 would like to second that, we'll vote. And if not, I guess
24 we won't.

25 ADMINISTRATIVE LAW JUDGE KOPEC: All right. Any

1 objection to reopening or returning to Item 3d and hearing
2 from Mr. Wright on a recommendation on this? Any objection?
3 No objection heard. Okay, Mr. Wright, would you like to
4 present a recommendation on Item 3d regarding a legal help or
5 hotline?

6 MR. WRIGHT: Yes, thank you, Judge.

7 ADMINISTRATIVE LAW JUDGE KOPEC: Sure.

8 MR. WRIGHT: I would like to recommend that the OAH
9 provide a legal help or hotline resource.

10 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. Is there a
11 second? Is there a second, North? There doesn't seem to be
12 a second.

13 MR. REZOWALLI: So it dies for lack of a second?

14 ADMINISTRATIVE LAW JUDGE KOPEC: Yes, it would be
15 seem that there's insufficient interest on this
16 recommendation.

17 UNIDENTIFIED FEMALE: Can I just clarify, do you
18 mean legal advice or procedural advice? (Overlapping) --

19 MR. WRIGHT: The motion is I guess reads legal help
20 and hotline, whatever the OAH would decide that is, that's
21 outside of my recommendation.

22 UNIDENTIFIED FEMALE: I have a question.

23 ADMINISTRATIVE LAW JUDGE KOPEC: Okay.

24 MS. MALLOY: Is it possible that a resource is
25 already available and may be included in the resource list

1 that is going to be updated on the site?

2 ADMINISTRATIVE LAW JUDGE KOPEC: I don't --

3 MS. MALLOY: You don't know.

4 ADMINISTRATIVE LAW JUDGE KOPEC: I don't know.

5 MS. MALLOY: Okay.

6 ADMINISTRATIVE LAW JUDGE KOPEC: I don't know.

7 What I can say is that when general questions come in, staff
8 can provide general information about the procedures, refer
9 people to the website, you know, we have a form in terms of
10 filing, the FAQs and the manual and again to provide general
11 procedural information, but not legal advice. So that's the
12 scope of basically what's provided.

13 So with that clarification, is there a second to
14 the recommendation that OAH provide a legal help or hotline
15 resource? No? I don't hear a second and so I think at this
16 point, at this time, there's insufficient interest in having
17 the recommendation. So what I'd like to do at this point --
18 actually, let me -- I'll take input from the committee. What
19 I was thinking of proposing is maybe take a very, very short
20 five-minute break. We haven't had a break so far or we could
21 just go forward to finish the agenda. Is there interest in
22 taking a short break or would people prefer to continue with
23 the agenda?

24 MR. WRIGHT: There is an interest in taking a short
25 break; Miho, is that correct?

1 MS. MURAI: Yes.

2 MR. WRIGHT: Yes.

3 ADMINISTRATIVE LAW JUDGE KOPEC: A short break?
4 Okay, let's take a short five-minute break and we'll resume
5 at 12:35 then.

6 (Off the Record)

7 ADMINISTRATIVE LAW JUDGE KOPEC: Thank you for
8 keeping the break to five minutes. The next item on the
9 agenda is Item 3e and the remaining items for the most part,
10 I think, should be fairly straightforward because we have a 1
11 p.m. timeframe here. As most of you know, it has been our
12 practice conduct status conferences usually when settlements
13 have been reached, but they need to go to the governing board
14 of the school district for approval and very often, after
15 mediation, if you resolve the matter, we will take the dates
16 off calendar, schedule a status conference. They're held on
17 Wednesday and put on my calendar. I -- because of the
18 circumstances under which they're scheduled, the assumption
19 is that by the time the status conference occurred, that
20 there should have been a dismissal or withdrawal, and
21 therefore most of the status conferences really shouldn't be
22 going forward. But, golly gosh gee, I have to tell you that
23 it just is not quite working out that way. Although this
24 week, I must say, is an exception. I've had I don't know how
25 many status conferences on for today and I was sweating it

1 out because the meeting was here. It turned out we only had
2 two and those were covered by other staff.

3 But up until this point, I've got to say that with
4 the overwhelming majority of the status conferences, parties
5 aren't there, the governing board may have approved the
6 agreement, but notice was provided to the filing party or the
7 filing party hasn't dismissed. And unfortunately, not only
8 things can't be resolved in the first status conference, but
9 it's not at all unusual that there would be multiple, like
10 two or three status conferences. So, this is just, one, to
11 share this information with you and to ask for your help in
12 whichever way you can to make sure that when a case is
13 settled, that it go to the governing board appropriately,
14 that the district notifies the filing party in a timely
15 manner and that the filing party gets that withdrawal or
16 dismissal into OAH in a timely manner.

17 And in terms of non-represented parents who might
18 be the filing party, we try to make it really easy in that
19 one of the relatively new forms on our website, which I think
20 I talked about last week, is a very simple withdrawal or
21 dismissal form that folks can print out, check a box, sign
22 and either mail or fax in to OAH.

23 So if you have any further suggestions or
24 recommendations in this area, I'll certainly welcome them, but
25 again, it's just not a very -- it doesn't seem to be an

1 efficient system right now, in spite of the fact that we you
2 would think that, you know, the cases should have already
3 settled, everything should have been signed, sealed and
4 delivered and all they're waiting for is the board date. So
5 with your cooperation, then maybe we can make the status
6 conferences -- and I understand that there are circumstances
7 where maybe it doesn't get to the board as appropriate and
8 type of thing. But that should be the exception, rather than
9 the rule. So anyone have any suggestions or comments? Okay,
10 thank you very much for listening and again, whatever you can
11 do to help us along, that would be really, really helpful.

12 For example, even -- and I've had a few of these
13 happen where, you know, you can request a continuance of the
14 status conference so if you think that things sort of went
15 sideways or the board didn't get to the item or it wasn't
16 posted in a timely fashion or whatever and the parties agreed
17 to kick over the status conference to the next week, that's
18 fine, too. So my preference would be to continue the status
19 conference rather than have me try to get everybody on the
20 phone and nobody's there and then I have to kick it over to
21 the next week. It's just really -- you know, keep the lines
22 of communication open between the parties and OAH. Okay.
23 Thank you.

24 The next item motions included in other filings.
25 If memory serves, I think this had been an item, maybe last

1 fiscal year, one of the meetings that I remember sitting in
2 on when Judge Clark was the division PJ.

3 We're starting to see again a number of motions
4 that are included in pleadings or other filings that really
5 need to be submitted as standalone. One example that fits
6 this bill is sometimes -- and we're still getting, on a due
7 process request, we get a motion for stay put that is also
8 included as part of the relief or remedies requested. Again,
9 this is a problem that we're seeing with attorney-filed
10 pleadings. It's not an issue in terms of folks who maybe
11 don't -- non-represented parents who aren't lawyers. Or
12 sometimes we've seen in a district's response, there might be
13 a motion to dismiss or something like that.

14 So I just want to tell you to please make sure that
15 your motions are standalone, that you serve them and just to
16 let you know, our policy is that if we get a motion like
17 that, we are not going to rule on it. So just for you to
18 know, especially the stay put, because obviously if there's a
19 dispute about stay put, everybody wants to get that before
20 OAH and ruled on. And if it's plunked into a complaint, as I
21 said, the assumption is that it's not going to acted upon.
22 Any comments?

23 UNIDENTIFIED FEMALE: Could it be duplicate? Could
24 it be a separate and as well as part of the remedies?

25 ADMINISTRATIVE LAW JUDGE KOPEC: Oh, sure. You can

1 say in your complaints that, you know, yes, and the stay put
2 and there's initial, we want you to do this and then make
3 sure you file that. Or, for example, one of the defenses in
4 a response can be dismissal for lack of jurisdiction or
5 statute of limitations, you can raise all of that, but if you
6 actually want a ruling on it, it has to be a separate file
7 motion served on the other parties and we'll treat it like a
8 motion. Okay? Good clarification, thanks. Anything else?
9 Okay.

10 Next item is 3g and this is timelines for district-
11 filed and student-filed cases on the website. And, Mr.
12 Wright, this was one of your agenda items, so I turn the
13 discussion over to you.

14 MR. WRIGHT: Thank you, Judge. I try and be brief.
15 We've already talked about the information regarding the
16 timelines being difficult to find in the handbook for the
17 parents and basically to have available on the website or in
18 a handbook similar, but a little more accessible than on Page
19 12 of the 164-page manual that, you know, what the timelines
20 are when the district files.

21 As a matter of fact, on Page 12, it doesn't even
22 include, I guess it's in the procedural safeguards, it
23 doesn't include the timelines when the district files. But
24 at a high level, my recommendation is that the timelines that
25 parents/students need to comply with, whether they've filed

1 or have been filed, you know, (inaudible) that information
2 made available more readily so that they learn sooner than
3 later their deadlines.

4 ADMINISTRATIVE LAW JUDGE KOPEC: Okay, is there a
5 second?

6 UNIDENTIFIED MALE: (Overlapping) to that motion?

7 ADMINISTRATIVE LAW JUDGE KOPEC: Is that a
8 recommendation?

9 MR. WRIGHT: Yes.

10 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. And what
11 timelines -- maybe you could -- what timelines are you
12 talking about? The time for a decision or --

13 MR. WRIGHT: The timelines that seem the most
14 critical to me are the ones when the district has filed
15 against the student that the timelines that the student must
16 comply with.

17 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. And
18 (overlapping) -- is there a second? Or do you need further
19 clarification of the recommendation, perhaps?

20 MR. WRIGHT: Yes, I guess we would like to have
21 some discussion.

22 UNIDENTIFIED MALE: (Overlapping) for discussion at
23 (overlapping).

24 ADMINISTRATIVE LAW JUDGE KOPEC: Yeah, well, there
25 wasn't a second for the recommendation, but maybe instead of

1 having the recommendation, Mr. Wright, do you just want to
2 have some discussion of the problem?

3 MR. WRIGHT: Yes, that'd be fine.

4 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. So, your
5 concern is that the website doesn't currently or clearly
6 provide information about the timelines for parents to
7 respond when districts file, in particular?

8 MR. WRIGHT: That's the example that was most
9 important to myself, but basically the only resource for the
10 parent is the one-page handbook -- or the one-page flyer and
11 then the 160-page booklet and some critical issues like the
12 timelines that must be met by the student should be readily
13 available. Whether that's just a link at the home page,
14 FAQs, things to know, some way to get that information out to
15 the students who have no idea what the laws and the
16 procedures are and don't get any legal advice when they
17 contact OAH.

18 ADMINISTRATIVE LAW JUDGE KOPEC: Ms. Broussard?

19 MS. BROUSSARD: It seems to me that that's already
20 being done in the paperwork that OAH sends the parents when a
21 case has been filed against them. There's a rather extensive
22 packet that goes out that has kind of the relevant timelines
23 in it. It says what needs to happen, not only does it have
24 the mediation date and the hearing date filled in, but it has
25 all the other timelines written in there and that comes

1 within -- I mean, usually very promptly after the case is
2 filed. And it gets mailed right to the people's house.

3 MR. WRIGHT: The OAH procedural safeguards don't
4 include timelines when the district files. Page 4 of the CDE
5 -- go ahead -- discussion?

6 MS. DALTON: This is Margaret Dalton. I was just
7 going to mention to Bob I think what Northern California is
8 talking about is the scheduling order.

9 UNIDENTIFIED FEMALE: I'm pretty sure it lists out
10 all the deadlines, I'm pretty sure. (Overlapping).

11 MS. DALTON: So you know what the scheduling order
12 from OAH after a filing within about a few days.

13 UNIDENTIFIED FEMALE: Oh, yeah.

14 MS. DALTON: Is that correct?

15 UNIDENTIFIED FEMALE: That's what I was referring
16 to, yeah.

17 MS. DALTON: Yeah, yeah.

18 UNIDENTIFIED FEMALE: But you're saying, when you
19 just get it in the mail, you ought to be able to look on the
20 website and find out the timeframe (overlapping) --

21 MR. WRIGHT: The deadlines that you've got to be
22 prepared for.

23 ADMINISTRATIVE LAW JUDGE KOPEC: Mr. Wright, what
24 deadlines -- I guess I'm not following what deadlines, other
25 than what's indicated in the scheduling order, which will

1 tell you the mediation date and the prehearing conference and
2 when the prehearing conference statements are due.

3 MR. WRIGHT: Yes, so, the procedural safeguards
4 don't delineate the timeline when the district files, that
5 there's not the 15 days for a resolution session and that the
6 parent has to be prepared for trial in time to have the OAH
7 be able to issue a decision within 30 days of the filing.

8 MS. GRAVES: So if it takes four days to get the
9 scheduling order, we (overlapping) doesn't know in the
10 meantime that this is on a fast track.

11 MR. WRIGHT: Yes.

12 UNIDENTIFIED FEMALE: And my only response -- I'm
13 just saying that you can find that stuff. I guess I question
14 how many -- my concern about that is there's a lot of really
15 important stuff in that 113-page pdf file, the parent
16 information on OAH. I just question whether that's the -- if
17 we're going to start putting stuff out and filling a webpage
18 with it, how do people tell what's important and what's not
19 from that without creating additional verbiage and I guess I
20 just -- maybe a link that said -- I might be supportive of,
21 on some page, a link that said 'Important Timelines for
22 Parents,' that just --

23 MR. WRIGHT: Thank you.

24 UNIDENTIFIED FEMALE: -- was a link or something.
25 Or "If you've been filed against by the district, click this

1 link," and it'll at least take you to the page in pieces. I
2 just worry about pursing out little pieces of information.

3 UNIDENTIFIED MALE: A comment, is this searchable
4 at all, that parent guideline (overlapping).

5 ADMINISTRATIVE LAW JUDGE KOPEC: It's searchable as
6 any pdf document is.

7 UNIDENTIFIED MALE: (Overlapping)

8 ADMINISTRATIVE LAW JUDGE KOPEC: Yeah, which I've
9 searched it and just looked for the words, keywords, that
10 type of thing.

11 UNIDENTIFIED MALE: So you put a timeline and it'll
12 show you --

13 ADMINISTRATIVE LAW JUDGE KOPEC: Again, you know,
14 because you're searching for a specific word.

15 UNIDENTIFIED MALE: Yeah.

16 ADMINISTRATIVE LAW JUDGE KOPEC: You know, if the
17 word timelines is used, you'll -- it'll take you -- the
18 cursor will move to each occurrence of that word
19 (overlapping). Yeah. And there is a table of contents.

20 MR. WRIGHT: Can I make a recommendation?

21 ADMINISTRATIVE LAW JUDGE KOPEC: Sure.

22 MR. WRIGHT: That we incorporate whatever the lady
23 two to your left has suggested and that was a link to
24 important time deadlines for parents when the district has
25 served? Is that how you said it? Or you could repeat your

1 suggestion, but I'd like to recommend that.

2 MS. BROUSSARD: That including -- that my thought
3 if the request seem more reasonable to me if it was to
4 include a link on the existing webpage titled "Important
5 Timelines for Due Process Hearings."

6 MR. WRIGHT: I make a motion -- I recommend, that's
7 my recommendation.

8 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. Is there a
9 second?

10 MR. WRIGHT: Miho, here in Southern California.

11 ADMINISTRATIVE LAW JUDGE KOPEC: Okay, there is a
12 second. Any further discussion? Okay.

13 MR. WRIGHT: (Overlapping).

14 UNIDENTIFIED FEMALE: Well, I have another
15 recommendation to that (overlapping).

16 ADMINISTRATIVE LAW JUDGE KOPEC: Is it to modify
17 this one? Because what I'd like to do is just deal with one
18 recommendation at a time. (Overlapping). Or amend it if
19 it's related.

20 MR. WRIGHT: Can you give her a second
21 (overlapping).

22 ADMINISTRATIVE LAW JUDGE KOPEC: Okay.

23 UNIDENTIFIED FEMALE: Well, it was just going to be
24 that if we can recommend that OAH serves the scheduling order
25 within two business days of the filing of the complaint.

1 MR. WRIGHT: That's not my -- that wasn't my agenda
2 (overlapping).

3 UNIDENTIFIED FEMALE: Yeah, but that would also
4 include the timeline.

5 ADMINISTRATIVE LAW JUDGE KOPEC: No, I'm sorry.
6 I'm going to -- Mr. Wright has indicated that he doesn't
7 accept that and so let's go forward with the recommendation
8 that OAH include a link on the website for important
9 timelines for due process hearings and, Southern California,
10 all in favor?

11 MR. WRIGHT: Bob Wright, Paul Eisenberg, Ann
12 Delfosse, Miho Murai, Margaret Dalton.

13 ADMINISTRATIVE LAW JUDGE KOPEC: Any opposed?

14 MR. WRIGHT: Oh, did I --

15 ADMINISTRATIVE LAW JUDGE KOPEC: Ms. Graves?

16 MS. GRAVES: I guess I'm ambivalent because I'm
17 going to have an if you do this, you're going to do it my way
18 thing afterward, but I'll go for it.

19 ADMINISTRATIVE LAW JUDGE KOPEC: Okay, Ms. Graves,
20 you're voting for it? Anyone opposed? Is that no
21 opposition? And anyone abstain?

22 MR. WRIGHT: Constance Taylor.

23 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. And
24 Northern California?

25 MR. REZOWALLI: All in favor? So we have

1 (inaudible) Russell, Knox, and English in favor. Opposed?
2 Abstentions? We have Gibson, Rezowalli and -- abstaining.

3 ADMINISTRATIVE LAW JUDGE KOPEC: Okay, so who
4 abstained? Gibson, Rezowalli -- (Overlapping).

5 UNIDENTIFIED FEMALE: Yeah, Gibson, Broussard,
6 Rezowalli, what did you do?

7 UNIDENTIFIED FEMALE: I voted, sorry.
8 (Overlapping).

9 ADMINISTRATIVE LAW JUDGE KOPEC: All right, so it
10 looks like that passed.

11 UNIDENTIFIED MALE: (Overlapping).

12 ADMINISTRATIVE LAW JUDGE KOPEC: Any further
13 discussion on this item, the timelines?

14 MR. WRIGHT: Yes, Maureen Graves, here in Southern
15 California.

16 MS. GRAVES: Yes, I think that any place that tells
17 people that timeline, it also has to, very close to that,
18 that often parties agree to change these timelines. Because
19 I think it's very terrifying for parents if the district's
20 filing with the district fast-track timetable and they see
21 these timelines and they don't realize that quite rarely do
22 those timeframes actually occur. And also that -- I mean,
23 maybe saying that the needing to look for counsel could be a
24 good cause for a continuance.

25 ADMINISTRATIVE LAW JUDGE KOPEC: Anything further?

1 Okay, moving on. The update on electronic service, Item 3h
2 is a just a very quick update to let you know that we are
3 working towards OAH serving documents to parties via fax or
4 email and currently we're working on developing the plans to
5 do a pilot project.

6 Monday hearings, Item 3i, I just want to let you
7 know (overlapping) -- I'm sorry, was there any question on H?
8 Yes?

9 MS. DALTON: This is Margaret Dalton, more of a
10 slight aside, so feel free to move me to stop talking, but
11 you mentioned fax. I was waiting for someone to mention fax
12 and a number of parent attorneys asked me to raise this
13 issue. The issue being when there's a fax problem, let's say
14 at the Sacramento office, if you totally understand
15 technology, sometimes it's a problem for any system. Would
16 it be possible to send out on an email blast that you do the
17 decisions, just that the fax wasn't working today, something
18 like that? Apparently, and I don't know this, I had no
19 problem, but I'm just here as a representative to mention
20 that. Apparently some people feel that their filings got
21 lost.

22 ADMINISTRATIVE LAW JUDGE KOPEC: Okay.

23 MS. DALTON: So this is a request.

24 ADMINISTRATIVE LAW JUDGE KOPEC: Well, the issue,
25 to the extent that it's a recommendation, I think it's off

1 the topic.

2 UNIDENTIFIED FEMALE: I agree, Judge.

3 ADMINISTRATIVE LAW JUDGE KOPEC: But I recommend
4 that you submit it as an agenda item for the next meeting
5 (overlapping) and you certainly raised the problem with OAH,
6 so we hear the problem, we've heard the suggestion. So,
7 thank you for letting us know and providing a remedy for it.
8 I appreciate that. Anything else on electronic service?

9 Okay. The next Item 3i on Monday hearings, I just
10 want to let you know that we've made a slight adjustment to
11 our calendar guidelines in that we are now scheduling Monday
12 hearings to begin at 1:30 p.m. Previously they were
13 scheduled to begin at 1:00, unless there was a -- it was a
14 staff meeting day, which is our first Mondays of the month
15 and then it was 1:30 and we thought that it would be easier
16 for everybody to have one rule for every Monday, so all
17 Monday hearings will now begin at 1:30 p.m.

18 And the last update item, Item 3j is again on the
19 web-based evaluations that we are moving forward and we're
20 currently working up some technical issues and, I know I
21 probably said this last time, we hope to very soon, shortly
22 be able to have the mediation and hearing evaluations
23 available in a web-based format, but we will continue to have
24 the paper and self-addressed stamped envelopes for folks who
25 do not have access to the web. Any comment on that?

1 Okay, next section is -- this is the opportunity
2 for public comment and unfortunately, given we went a little
3 bit long on our discussion, are there any public comments
4 here in Sacto? All right, Los Angeles, any public comments?
5 And this will be limited to items that have not been
6 discussed and the purpose of the comment is for comments,
7 rather than a back-and-forth, as our discussion was earlier.
8 So any public comments?

9 MR. WRIGHT: I believe there's one and a couple of
10 our committee members have their hands up.

11 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. So want to
12 hear from the member of the public in LA?

13 MR. ATWOOD: Okay, yeah. This is actually somewhat
14 related to what Margaret was mentioning about things being
15 filed. I have -- my son filed for a hearing against CDE back
16 on February 17th because we asked for the paperwork on a
17 complaint resolution and they said, well, this is a public
18 records act request and we want ten cents a page. So we
19 filed for a hearing because they're not public records,
20 they're education records. They're confidential protected
21 education records, not public records. And since we're
22 several hundred miles from Sacramento, we're entitled to get
23 documents for free. So that's what we said. And, you know,
24 we had the jurisdiction statement there and everything is
25 very nice. A couple weeks went by and I got no paperwork and

1 I called and I talked to Noah and, yeah, I guess we'll
2 schedule. And then later on I talked to somebody and, oh,
3 yeah, well, whatever.

4 It has now been almost three months and nothing has
5 happened about it. I talked to the office manager who talked
6 to Lupita (phonetic) last week who said she'd get back to him
7 and my state rep has still not heard back from Lupita about
8 why it is that they've not scheduled this due process hearing
9 request, which they did acknowledge receiving it.

10 And it seems somewhat irregular to me that you
11 should file for a request like this and that it should be
12 almost three months. OAH acknowledges having the request and
13 they're just not calendaring it. So I'm wondering what can
14 be done to avoid this kind of problem and, you know, when we
15 put in a request, calendar it. And if you don't have
16 jurisdiction or whatever, then dismiss it or whatever, but I
17 think it's very irregular to just sort of non-calendar it for
18 three months. So I'm wondering what can be done about that.

19 ADMINISTRATIVE LAW JUDGE KOPEC: What I would
20 suggest you do is contact the main OAH number at 916-263-0880
21 and ask to speak to Laura Gutierrez and Laura will talk with
22 you about it and then she will talk with me. In terms of --
23 at this point, that's all I can do. I'm sorry, it sounds
24 like something happened. I would need to look into it to
25 find out, but that's what I would suggest after the meeting.

1 MR. ATWOOD: Yeah, I've called that number and
2 talked to her, among other people, about two or three times.

3 ADMINISTRATIVE LAW JUDGE KOPEC: Well, at this
4 point, that's what I would suggest you do.

5 MR. ATWOOD: Okay, well, tell her to talk to Judge
6 Kopec.

7 ADMINISTRATIVE LAW JUDGE KOPEC: Right.

8 MR. ATWOOD: Thank you, Your Honor.

9 ADMINISTRATIVE LAW JUDGE KOPEC: You're welcome.
10 Anything further? Ms. Graves, I think you had a comment.

11 MS. GRAVES: Yes, on the faxing issue. This is a
12 concern given occasionally there are statute of limitations
13 issues and things that can't get through on a particular day,
14 so I think OAH needs to fix this very quickly and provide an
15 alternative fax number when the main one isn't working. I
16 think at one point my office resorted to faxing it to General
17 Jurisdiction or something to try to get it in the same
18 building.

19 Also, there have been a lot of issues with the
20 website, including where people search for something and they
21 get that there's nothing there. And I have learned that you
22 always have to search for a term like autism to make sure
23 that it's actually working and there's nothing there, because
24 sometimes you get nothing there because it's not working for
25 the keyword searches. I have sent something to the webmaster

1 about that and they said they were working on it, but there
2 was some point where you couldn't search decisions for I
3 think about three or four days and many points at which the
4 keyword search is giving people false negatives.

5 ADMINISTRATIVE LAW JUDGE KOPEC: Thanks, Ms.
6 Graves. I know that there have been ongoing problems with
7 the website and what I can say is we are doing whatever we
8 can to fix it. I have not been aware of problems recently,
9 but I know that for awhile there, it was down more often than
10 it was up and I understand the difficulty this presents for
11 the public and for us, frankly, so thank you for bringing
12 that to my attention.

13 Any other public comments? Okay. Then I believe
14 the next and final item would be a date for our next Advisory
15 Committee Meeting and although this one was delayed a bit for
16 a variety of reasons, what I'd like to do is move back into
17 October. And I was initially proposing October, Tuesday,
18 October 11, and the other alternative I had this morning,
19 since Friday, again, unless things change, we're currently
20 dark on Fridays, so would Friday be a better day for members
21 or does it not matter?

22 UNIDENTIFIED MALE: Friday the -- just any Friday
23 or just --

24 ADMINISTRATIVE LAW JUDGE KOPEC: Well, it would be
25 the Friday of the week of October 11th.

1 UNIDENTIFIED MALE: That Friday, okay.

2 ADMINISTRATIVE LAW JUDGE KOPEC: Which would be the
3 14th. Okay, unless there's any objection, I think what I'd
4 like to do, just because it's easier in terms of calendaring
5 issues, at least from our standpoint, to go ahead and let's
6 tentatively schedule the next meeting for Friday, October
7 14th, 2011, and you'll certainly be notified and again, I --
8 you'll get an email asking for agenda items, but even after
9 this meeting, if you have agenda items, you know it's never
10 too early to get the items in to me and the only reminder is
11 that they just need to be within the scope of the Advisory
12 Committee, which is to provide advice and recommendations to
13 OAH concerning mediation and due process hearing procedures
14 and policies. Anything else? No, okay.

15 And I think if the note-takers want to get their
16 notes to me, thank you, Ms. Broussard has already submitted
17 her notes. And from Southern California, if you want to get
18 them to me in about two weeks, which would be May 25th, that
19 would be great. What we found out last time is I didn't ask
20 for them and understandably, people had lost their notes, so
21 the sooner you can get them to me is probably better for
22 everybody.

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Again, thank you all very much for your participation and your commitment. I appreciate the lively discussion and see you all in a few months. This concludes the meeting.

(Thereupon, the meeting was adjourned.)

CERTIFICATE OF TRANSCRIPT

This is to certify that I, Terri O'Brien, transcribed the tape-recorded public meeting of the Special Education Advisory Committee dated May 11, 2011; that the pages numbered 1 through 104 constitute said transcript; that the same is a complete and accurate transcription of the aforesaid to the best of my ability.



Terri O'Brien
September 30, 2011
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