

1 TRANSCRIPTION OF RECORDED MEETING  
2 OF  
3 OFFICE OF ADMINISTRATIVE HEARINGS  
4 SPECIAL EDUCATION ADVISORY COMMITTEE  
5 April 10, 2015  
6 Sacramento & Van Nuys, California

7 Members Present: Northern California

8 Presiding Judge Judith Kopec, Co-Facilitator

9 Presiding Judge Robert Varma, Co-Facilitator

10 Diane Foos

11 Richard Ruderman

12 Colleen Villarreal

13 Karen Mates

14 Diane Beall

15 Judith Holsinger

16 Mindy Fattig

17 Southern California

18 Presiding Judge Castillo, Facilitator

19 Sara Young

20 Paula West-Hernandez

21 Melissa Hatch

22 Elias Economou

23 Margaret Adams

24 David German

25 Blanca Zambrano

26 Transcribed by: Lori Hildebrand,

27 Foothill Transcription Company

28 April 24, 2015

Elk Grove, California

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1       **PRESIDING JUDGE KOPEC:** -- all right.

2       **MR. RUDERMAN:** Don't put that on the record.

3       **PRESIDING JUDGE KOPEC:** Okay.

4       **PRESIDING JUDGE VARMA:** Anybody going to second that one  
5       too?

6       **MR. RUDERMAN:** Diane will.

7       **PRESIDING JUDGE KOPEC:** Terrific. And then secondly, I would  
8       like to have Administrative Law Judge Terri Ravandi here in  
9       Northern California be our note-taker and Administrative  
10      Law Judge Marian Tully in Southern California. Any  
11      objections to that proposal? All right, we will go forward  
12      with that plan then. What I'd like to do is go around the  
13      tables and have each of the members introduce yourselves.  
14      It would also be helpful if you would also indicate what  
15      your connection is to special education. And I am aware  
16      that quite a few of you have multiple connections. So that  
17      would be helpful. And then it's also important as we go  
18      through the meeting that before you speak if you would  
19      please just identify yourself. Sometimes the transcriber  
20      has had a difficult time picking up the different voices as  
21      we go through. So let us start in Southern California.

22      **PRESIDING JUDGE CASTILLO:** Ms. Young?

23      **DIRECTOR YOUNG:** Go ahead and give it to me. I'm Sara Young.  
24      I'm the Director for Capistrano Unified School District.

25      **MS. WEST-HERNANDEZ:** I'm Paula West-Hernandez. I am an  
26      advocate at Team of Advocates for Special Kids.

27      **MS. HATCH:** Melissa Hatch with Hatch & Cesario. We represent  
28      public school districts.

1 **MR. ECONOMOU:** Eli Economou. I represent children and  
2 parents of children.

3 **PRESIDING JUDGE CASTILLO:** Presiding Administrative Law  
4 Judge Peter Paul Castillo.

5 **JUDGE TULLY:** I'm Administrative Law Judge Marian Tully.

6 **MS. ADAMS:** Margaret Adams. I'm an attorney representing  
7 parents.

8 **MR. GERMAN:** David German, parent attorney.

9 **MS. ZAMBRANO:** Blanca Zambrano, parent.

10 **PRESIDING JUDGE CASTILLO:** And do you want us -- we have a  
11 big -- we have all of our Administrative Law Judges  
12 introduce themselves.

13 **JUDGE BUTCHKO:** Hi. I'm Chris Butchko, a new Administrative  
14 Law Judge here in Los Angeles. I come here after a career  
15 as a civil litigator, 15 years with the U.S. District Court  
16 in the Central District, and a year with California Court  
17 of Appeal.

18 **JUDGE DALTON:** And I'm Administrative Law Judge Cole Dalton,  
19 formerly doing a lot of litigation and also representing  
20 school districts.

21 **JUDGE ZUK:** I'm Administrative Law Judge Caroline Zuk. I've  
22 been in the field of special ed three years as a  
23 (inaudible) school psychologist.

24 **MALE COMMITTEE MEMBER:** (Inaudible)

25 **JUDGE ZUK:** (Inaudible) represent districts and families.

26 **PRESIDING JUDGE KOPEC:** Judge, is that our --

27 **PRESIDING JUDGE CASTILLO:** And just for the record, it's --

28 **PRESIDING JUDGE KOPEC:** -- wait. I'm sorry --

1       **PRESIDING JUDGE CASTILLO:** -- and the record --

2       **PRESIDING JUDGE KOPEC:** -- before we move --

3       **PRESIDING JUDGE CASTILLO:** -- we have --

4       **PRESIDING JUDGE KOPEC:** -- forward -- before we go forward,  
5       Judge Zuk, if you wouldn't mind either going closer to the  
6       microphone or just talking -- speaking a little bit louder.  
7       We really couldn't hear you.

8       **JUDGE ZUK:** Sure. Good morning. I'm Administrative Law Judge  
9       Caroline Zuk. And I've been in the field of special  
10      education for about 30 years. Started off as a special ed  
11      teacher --

12      **PRESIDING JUDGE KOPEC:** Oh.

13      **JUDGE ZUK:** -- then a school psychologist. And I've  
14      represented school districts and families as a special ed  
15      attorney.

16      **PRESIDING JUDGE KOPEC:** Okay. Thank you.

17      **JUDGE ZUK:** You're welcome.

18      **PRESIDING JUDGE CASTILLO:** And then we have --

19      **PRESIDING JUDGE KOPEC:** And who else in Southern California?

20      **PRESIDING JUDGE CASTILLO:** That's all the attendees and  
21      judges. We also have just a few people observing the  
22      meeting, if you want them to introduce themselves.

23      **PRESIDING JUDGE KOPEC:** No, it's not necessary to do that.

24      **PRESIDING JUDGE CASTILLO:** Okay. That's it.

25      **PRESIDING JUDGE KOPEC:** Okay, let's start here with Ms.  
26      Foos.

27      **MS. FOOS:** Sure. I'm Diane Foos. And I am a parent and I'm  
28      also a parent side attorney with Ruderman & Knox.

1 **MR. RUDERMAN:** And I'm Rick Ruderman with Ruderman & Knox.  
2 And I'm an attorney on behalf of parents and kids.

3 **MS. VILLARREAL:** Colleen Villarreal with Lozano Smith. We  
4 represent school districts.

5 **PRESIDING JUDGE VARMA:** Bob Varma, Presiding Administrative  
6 Law Judge.

7 **MS. MATES:** Oh, Karen Mates, Special Education Director for  
8 Antioch School District.

9 **MS. BEALL:** Diane Beall. I'm an attorney with Kronick  
10 Moskovitz Tiedermann & Girard, representing school  
11 districts. I'm also the parent of a special needs child.

12 **MS. HOLSINGER:** And I am Judy Holsinger. I'm the Executive  
13 Director for The Sacramento County Office of Ed SELPA.

14 **FEMALE COMMITTEE MEMBER:** (Inaudible)

15 **MS. FATTIG:** I'm Mindy Fattig. I'm Humboldt (inaudible)  
16 SELPA Director and I'm also a parent of a child with  
17 special needs.

18 **PRESIDING JUDGE KOPEC:** Thank you.

19 **JUDGE RAVANDI:** Terri Ravandi, Administrative Law Judge.

20 **JUDGE REDMON:** Joy Redmon, Administrative Law Judge.

21 **MR. MORAZZINI:** Morning. Zack Morazzini. I'm the Director  
22 here at Office of Administrative Hearings. Pleasure meeting  
23 you.

24 **PRESIDING JUDGE KOPEC:** Thank you. The next item is to  
25 briefly go over the expectations of our members and an  
26 overview of our meeting process. In order to fully benefit  
27 from the two meetings that we do have each year, we hope  
28 that each committee member will be able to attend our two

1 meetings. We understand that your time is valuable and  
2 scarce. And we really want to have you available so that we  
3 can get all the information and advice and expertise that  
4 you have to offer us. We do have two meetings, one in the  
5 spring and one in the fall. And if you are unable to  
6 attend, please contact either Judge Varma or Tim Dean, who  
7 is our analyst and is the contact person. He's the person  
8 that sends you the agenda and email items as well. If a  
9 member does not attend two meetings during the course of  
10 the two-year term, OAH reserves the right to remove the  
11 member. And what we would do if that happens is we would  
12 then look to those individuals who applied the prior spring  
13 and then replace the person with someone who has the same  
14 connection to special education. We have not been able to  
15 -- we have not yet had to do that, which I think is the  
16 result of the dedication that each of our members have had  
17 so far with this Committee. In terms of the process we both  
18 try to keep it as informal as we can, but yet be able to  
19 comply with the Open Meeting Act and go through our agenda  
20 as we have noticed it. The first several items on the  
21 agenda are those that were introduced by the Office of  
22 Administrative Hearings. And the Division PJ, who is the  
23 facilitator, will then go through those items. And then we  
24 have items that have been proposed and added to the agenda  
25 by members. And when we reach those items, we will turn it  
26 over to the -- the items to the member who proposed them.  
27 We do not follow Roberts Rules of Order, but what we do  
28 like to have, particularly when a member has a

1 recommendation to make to OAH, that we ask whether the  
2 recommendation can be seconded. And we do that to make sure  
3 that we have enough interest in the Committee to discuss  
4 that item. And then what often happens during the course of  
5 the discussion, other members may want to amend that  
6 recommendation. And as long as the sponsoring member agrees  
7 to the amendment, we can then amend it and go forward.  
8 Sometimes what will happen is that comment will then become  
9 the basis for another recommendation. So what we try to do  
10 is take each recommendation as they come, have the members  
11 fully discuss them. And then at that time, if we have any  
12 public comment coming from the website on that item, we  
13 will then read that. The members then vote. And then we  
14 move on to the next item. Because this is our spring  
15 meeting, it is time for those -- several members who are at  
16 the end of their second year term, hopefully, decide that  
17 they would like to continue and reapply and then also for  
18 anyone in the public who wishes to join the Advisory  
19 Committee. We have posted on our website, both in  
20 connection with this meeting and also as an area on the  
21 website having to do with the application process. We have  
22 an information sheet indicating the requirements for the  
23 position and then also a very short application. If you  
24 have any questions about that process, probably the best  
25 thing to do would be to contact Tim Dean, our analyst. And  
26 then we will be sure to respond to those questions. And  
27 those members who are ending their term in Northern  
28 California are Ms. Foos, Ms. Beall, and Ms. Holsinger. And

1 those in Southern California are Ms. Saltzman. And the  
2 application deadline at this point is June 13th, 2015. From  
3 time to time we have extended that deadline if -- because  
4 the spring, I know, is very busy for everyone connected  
5 with special education, that we have from time to time, if  
6 want to encourage additional applications, extend that  
7 deadline. But as of now it will be June 13th. All right.  
8 Any comments or questions on that? All right. The next item  
9 is staff changes at the Office of Administrative Hearings.  
10 Actually, before I do that, I realize -- and I'm very sorry  
11 -- I did not offer an opportunity for our Director and  
12 Chief Administrative Law Judge to -- if you would like to  
13 make any comments or -- to the Committee?

14 **DIRECTOR MORAZZINI:** You're doing a very tight meeting, so I  
15 don't want to interrupt. I'll just introduce myself again.  
16 I'm Zack Morazzini. I'm very excited to be at this first  
17 meeting for myself regarding the Special Education  
18 Committee. I can tell that everybody here is very  
19 committed. I know we are. I'm very excited to have had an  
20 opportunity to work with Judith. And I'm very excited to  
21 continue working with Bob. So I'm just very committed to  
22 this agency and especially the special education. So thank  
23 you, Judith.

24 **PRESIDING JUDGE KOPEC:** Thank you. Sorry for the oversight.

25 **DIRECTOR MORAZZINI:** No worries.

26 **PRESIDING JUDGE KOPEC:** A little bit too efficient there,  
27 but -- okay. The staff changes at the Office of  
28 Administrative Hearings, this really is a time of

1 transition and change. I believe I may have mentioned at  
2 our last meeting that we were fortunate to have additional  
3 ALJ positions given to us in order to transfer the  
4 mediation workload that has been historically performed by  
5 the Pro Tem Administrative Law Judges, two Administrative  
6 Law Judges here at OAH, who, as you know, conduct  
7 mediations and also conduct hearings, although if they  
8 mediate a case, they don't have any contact with the  
9 hearing or the hearing judge. That does not mean that we  
10 are no longer going to use Pro Tems. They continue to be a  
11 very important part of OAH. They offer a wonderful  
12 perspective and, given the flux of our calendar, as I know  
13 all of you are experiencing as well. As we have already  
14 done, we will continue to use Pro Tem ALJ's to help us meet  
15 the workload. Our prior Director and Chief Administrative  
16 Law Judge, Linda Cabatic, retired this past December. And  
17 our new Director and Chief Administrative Law Judge, Zack  
18 Morazzini, came on. And we are very excited to continue to  
19 do our good work with Zack's leadership and support. We  
20 have a number of new Administrative Law Judges, both in  
21 Northern and Southern California, some of whom are here and  
22 have introduced themselves. Here in Sacramento our most  
23 recent hire is Paul Kraus. And he comes to us from  
24 primarily private practice, doing civil and criminal  
25 litigation. In addition, he worked as Pro Tem ALJ, handling  
26 cases for the General Jurisdiction Division having to do  
27 with medication of prisoners. In Van Nuys, as introduced,  
28 we have: Caroline Zuk, who has represented families and

1 school districts and has a career in the area of special  
2 education; Chris Butchko, who has primarily been a research  
3 attorney with both State and Federal Courts; and Cole  
4 Dalton, who has represented school districts. So we are  
5 getting them up and trained and out as soon as we can. I  
6 believe that everyone, except our newest, Judge Kraus, who  
7 I believe started a week ago?

8 **DIRECTOR MORAZZINI:** Two weeks.

9 **PRESIDING JUDGE KOPEC:** Two weeks ago. He is still going  
10 through the training process. The others are up and running  
11 in terms of prehearing conferences and hearings. And we  
12 will be sending those -- all the new judges -- to mediation  
13 training, I believe, in June. So once they go through the  
14 mediation training, since they've had all the substantive  
15 special education training, we will add them to our  
16 calendar at that time. We have also had several retirements  
17 this past fall. ALJ Gary Garon (Phonetic) retired. And last  
18 month ALJ Dean [sic] Johnson retired -- Dee Johnson  
19 retired. And both of those judges started with me back in  
20 August of 2005 when OAH resumed conducting special  
21 education cases. So as you can imagine, it was a great loss  
22 of experience and -- for the program. However, we're very  
23 excited that all of the new judges that we have hired will  
24 be able to more than take up the role and carry it on. In  
25 Southern California, as I mentioned at the last meeting,  
26 Tim Newlove, the Presiding Judge in the San Diego office,  
27 has retired. And we moved that PJ position to the Van Nuys  
28 office to cover the workload. And former ALJ and now

1 Presiding Administrative Law Judge Peter Paul Castillo, who  
2 had been in the Sacramento office out-stationed in Oakland,  
3 decided that he wanted to go to the south land and he is  
4 doing a great job taking the reins in Southern California  
5 and helping with the work there. The supervision in Van  
6 Nuys is divided both between Peter Paul Castillo and it had  
7 been divided with Richard Breen. But Judge Richard Breen  
8 has moved on from OAH as of last month. And he has joined  
9 the Social Security Administration as a Federal  
10 Administrative Law Judge in Southern California, handling  
11 primarily SSI hearings. So I am confident that he will  
12 continue to do the good work that he has done to provide  
13 fair and impartial hearings for SSI claimants. And finally,  
14 I am going to be leaving OAH next month. I have also taken  
15 a position with the Social Security Administration. It came  
16 with a lot of hard choices and decision-making. And I had  
17 always planned to retire from OAH. But this opportunity  
18 came through and I decided it's always important to have  
19 some changes. So I am very much looking forward to that.  
20 And want to thank all of the Advisory Committee members for  
21 your dedication to the process, to your willingness to  
22 contribute to OAH. I know that we can always count on you  
23 to provide us perhaps sometimes a reality check of what the  
24 experience is for all of you out there in the field working  
25 with parents and families and school districts in terms of  
26 the due process hearing and mediation process. And it has  
27 been a great opportunity to work with you. And I will miss  
28 you. But one of the things that I feel very good about is

1 that we have a great group of Presiding ALJ's and ALJ's to  
2 take up the cause. And with that, Bob Varma, who had been  
3 an ALJ in the Sacramento office and a Presiding ALJ in the  
4 Sacramento office, has been moved into my position as the  
5 Division Presiding Administrative Law Judge. And with that,  
6 what I would like to do is turn the meeting over to  
7 Division Presiding Administrative Law Judge Bob Varma.

8 **PRESIDING JUDGE VARMA:** Thank you. My first official act was  
9 going to be to take a break, but we're running out of time.  
10 So we can hold off on that. I do want to thank Division  
11 Presiding Judge Kopec for all that she has done for the  
12 Special Education Division. When I first started here, my  
13 Presiding Judge retired within two weeks my starting. So I  
14 often wondered if that had something with my starting, but  
15 I'm not sure. And then Judge Kopec became my Presiding  
16 Judge and then -- so she's been my supervisor for pretty  
17 much my entire time at OAH. And I've learned a lot from  
18 her. And we are going to continue the transition and,  
19 hopefully, I will carry on the way she has run the program.  
20 And we will continue to provide a fair and neutral,  
21 impartial forum for the community. There are other  
22 transitions that we're going to go through, so hopefully  
23 people will be patient with us during this time. With that,  
24 we'll start with the items that we have. The first time is  
25 the hearing and mediation processes. And there has been an  
26 increase in case filings. And the impact on the calendar,  
27 well, we have -- we've gone through the data. And what  
28 we've seen is there's a significant increase, eight

1 percent, for this year over the last prior fiscal year. Now  
2 while that is an increase, the good news is it's not a huge  
3 increase like we had last fiscal year, which was 19 percent  
4 over the prior year. So we're back to the traditional  
5 increase that we have seen of somewhere between eight to  
6 ten percent each year. The calendar is -- we are being able  
7 to handle it on the calendar. So it is not -- and as we  
8 went through the list, we have had the fortune to hire new  
9 ALJ's. So we are able to meet the calendar need. So  
10 everything seems to be working smoothly, despite the  
11 increase. And then the next item, unless -- anybody have  
12 any comments or questions about the calendaring, the  
13 increase in caseload? No? Okay. The next item is the  
14 website video for special education dispute resolution at  
15 OAH. The video is on the website. It is titled What to  
16 Expect at Special Education Hearing. The prior Advisory  
17 Committee recommended that OAH do a video similar to this.  
18 So this has come out of one of the recommendations from the  
19 Advisory Committee. And with respect to the video, we want  
20 to thank Deputy Director Melissa Crowell and the ALJ's who  
21 participated in creating that video. A lot of work went  
22 into it. And the Department of General Services also helped  
23 us shoot the video and edit it. So we want to thank all  
24 those folks that put that together.

25 **PRESIDING JUDGE CASTILLO:** We have a question here, Bob.

26 **PRESIDING JUDGE VARMA:** Yes?

27 **MS. ZAMBRANO:** Is that only in English?

28 **PRESIDING JUDGE VARMA:** It is in English. We can look into

1 having translations on it. It's just up, so we're still  
2 working it. You know --

3 **MS. ZAMBRANO:** All right.

4 **PRESIDING JUDGE VARMA:** -- we will look into that. And you  
5 know, we will -- the goal is always to provide all the  
6 information in at least the five most common languages  
7 spoken in the school districts and then as needed. So we  
8 will continue trying to meet that goal, even with the  
9 video. But we're not there yet. Right now it's just in  
10 English. Any other questions or comments?

11 **FEMALE COMMITTEE MEMBER:** Just as a parent, I've -- French-  
12 speaking parent, I think it will be very important to have  
13 the video translated in other languages, not just in  
14 Spanish.

15 **PRESIDING JUDGE VARMA:** Right, absolutely. And we understand  
16 that need for the community.

17 **FEMALE COMMITTEE MEMBER:** Thank you.

18 **PRESIDING JUDGE VARMA:** The next item we have is update on  
19 forms available on the website. We have been able to create  
20 and upload fillable forms on the website. We have them for  
21 mediation only requests, requests for hearing, and they can  
22 be filled out on the website and then printed and submitted  
23 to OAH. We cannot yet submit documents online. That is  
24 another project that we continue to look into and work on.  
25 They are available in the five most common languages:  
26 Spanish, Tagalog, Hmong, Vietnamese and Chinese. Any  
27 questions or comments regarding that item? Great. Request  
28 for reasonable accommodation and accessibility, that's the

1 next item on the agenda. OAH complies with all state and  
2 federal laws concerning the accessibility of mediations and  
3 hearings. If a reasonable accommodation is required, please  
4 indicate it in the request for the hearing or mediation.  
5 Also, if at some point you learn later you need it or any  
6 of the witnesses need it, please include it in your PHC,  
7 prehearing conference statements. And we will discuss it at  
8 the prehearing conference. And you are always able to  
9 contact the Americans with Disabilities Coordinator at OAH.  
10 Please call the main number and ask for the individual.  
11 Currently, it's Nicole Bukowski (Phonetic). And our main  
12 number is on the website. But just for the public, it's  
13 (916) 263-0880. Any questions or comments on the reasonable  
14 accommodations? Next item is outreach presentations. We've  
15 discussed this previously at the meetings as well. Last  
16 year we restarted that program of doing outreach  
17 presentations. And we have continued that program. During  
18 the winter break, there were less demands for it. But now  
19 we're back up and there have been more requests for it. In  
20 fact, I'm going to be doing one next week in Sacramento  
21 with the Area Board 3. It is aimed at Parents and families.  
22 And we have paired up with the Area Boards throughout  
23 California. We are also pairing up with some community  
24 groups. You can contact us if you would like us to do a  
25 presentation. There are some requirements that we have when  
26 you contact us. One, we are the only presenter. We cannot  
27 be part of a panel. Two, there are no fees charged to  
28 anybody that attends the presentation. And three, the

1 presentation has to be open to everyone. So those are the  
2 requirements that we have in order to facilitate and  
3 provide you a presentation. Any questions or comments on  
4 outreach presentations?

5 **MALE:** Yes, sir.

6 **PRESIDING JUDGE VARMA:** Yes?

7 **MALE:** Bob, can you summarize the content that might be  
8 presented?

9 **PRESIDING JUDGE VARMA:** I have a question from the public of  
10 whether we can summarize the content of the presentation.  
11 Certainly. The content of the presentation is geared  
12 towards, as I said, families and parents. However, we have  
13 had school personnel attend as well. And so I think it has  
14 been found beneficial by everyone. It's an overview of the  
15 process, of how to access special education due process  
16 procedures. It also provides some key points on what the  
17 Administrative Law Judges look for when they analyze a  
18 case. So it also helps hone the parties that are filing the  
19 case into what they need to present in order to present  
20 their case. It is not a detailed how-to presentation  
21 because that is a much, much broader and more detailed  
22 presentation that we would have to do. The main goal is to  
23 provide information that gives people access to our process  
24 and explains to them what we are looking for as judges in  
25 the presentation of their cases. Any other questions or  
26 comments? Okay, next item is OAH scheduling policies. This  
27 was an item that Mr. Ruderman wanted on the agenda. So I'll  
28 turn it over to him.

1 **MR. RUDERMAN:** Yeah. And first of all, you made a big  
2 mistake in giving me the restroom code.

3 **PRESIDING JUDGE KOPEC:** Oh, I'm sorry --

4 **MR. RUDERMAN:** So --

5 **PRESIDING JUDGE KOPEC:** -- that's my mistake.

6 **MR. RUDERMAN:** -- you should probably destroy that because  
7 that could make --

8 **PRESIDING JUDGE KOPEC:** Well, it's all right.

9 **MR. RUDERMAN:** -- I don't want to be accused of any -- yeah.  
10 And I brought this up because Bob ruined my Christmas  
11 vacation, probably because I'm Jewish, but -- that's not  
12 really why I brought it up. It's funny how you numbered  
13 them. One, I just wanted to know what the general policies  
14 are. And I think I know the general policies. The first  
15 question was the failure to convene a resolution session.  
16 Some districts don't convene resolution session. And my  
17 reading of the law would be that the hearing date would be  
18 advanced if there's not a resolution session. And I wasn't  
19 sure how OAH was handling that. And actually, just recently  
20 the -- well, I made the request and they advanced my dates,  
21 I think, two days. So I'm just curious. Is there a policy  
22 on that or (inaudible) notify OAH if we do want the dates  
23 advanced? How is that working? Is there any specific policy  
24 on that?

25 **PRESIDING JUDGE VARMA:** So the general guidelines, which we  
26 did provide all the participants, and I believe they're on  
27 the website as well, they set out how we calendar the cases  
28 and how we schedule them. And the question that you have is

1 -- I mean these are the policies that we follow as OAH in  
2 order to effectuate and meet the 20 USC 1415 requirements.

3 **MR. RUDERMAN:** Well, I guess my question is: Let's say day  
4 15 hits. There's no resolution session. If we make a  
5 request on day 16 for -- and say there's been no resolution  
6 session, what does OAH do if that occurs?

7 **PRESIDING JUDGE VARMA:** We follow what is set out in the  
8 statute. And we have had those requests. And at that point  
9 the ALJ will look at and rule on it. And as you noted in  
10 the case that you had, we did advance the timeline. Now in  
11 your situation, you were up against the 30-day timeline  
12 pretty close anyway. That's why it was only two-day  
13 advancement. But we did advance it. And then our 45 days  
14 starts at that point.

15 **MR. RUDERMAN:** Okay. And then the other thing I was  
16 concerned about is -- and I'll take them in the order --  
17 it's under continuances. If there's an independent  
18 assessment -- a lot of times, I'm sure, as you know, in  
19 mediation the parties will reach an interim agreement. And  
20 party interim agreements get independent assessors. And one  
21 of the problems is the limiting pool of independent  
22 assessors out there. You know, oftentimes we have to wait  
23 maybe three months or even longer to get an independent  
24 assessment. And then that goes up against dates that OAH  
25 puts on us. And then we're request -- you know, and  
26 sometimes it unanticipated, too, because we'll reach  
27 agreement (inaudible) on an independent assessor. And then  
28 the parties have a certain level of control over that. But

1 there's some they can't control. The independent assessor  
2 has their own calendar. And we have to live with that. And  
3 then we get our -- and we project dates when the hearing  
4 may come up. And then what'll happen is the independent  
5 assessment hasn't come down. And then the parties are  
6 jointly requesting a continuance. And it's been my  
7 experience a lot that OAH will say, well, this case has  
8 been out there too long. And we're not going to grant you a  
9 continuance. And then that's led to that something's  
10 happening in the field that I'm kind of uncomfortable with  
11 is this whole new negotiation over a withdrawal of the  
12 complaint without prejudice and extending the statute of  
13 limitations. And I'm a little bit concerned about what  
14 implications that has legally. And I think, number one,  
15 there's more legal time devoted by both parties because of  
16 the dates. And it would simpler if the dates could just get  
17 extended, rather than we're getting forced to withdraw  
18 these complaints without prejudice. I think it would be a  
19 lot easier for both -- for all parties if the dates --  
20 where there's a joint request by both parties to move the  
21 date out, based on the fact that we have an independent  
22 assessment that we're still waiting for that we couldn't  
23 control.

24 **PRESIDING JUDGE VARMA:** Anybody else have a comment to Mr.  
25 Ruderman's comments or question? Anybody have any other  
26 comments or questions on this issue?

27 **PRESIDING JUDGE CASTILLO:** We have a question -- we have a  
28 comment down here.

1       **PRESIDING JUDGE VARMA:** Yes?

2       **MR. GERMAN:** David German in Southern California. I second  
3 everything he said. I've run into the same situation  
4 several times recently. And it really does, you know -- the  
5 arguments we're hearing are that, you know, the court is  
6 forced to move forward by the requirements of the law. But  
7 it's extremely inefficient and it's not actually  
8 (inaudible) benefit of either party to these kind of ad hoc  
9 with extending -- withdrawing and re-filing based on the  
10 statutes, so.

11       **FEMALE COMMITTEE MEMBER:** I would agree, if it's a joint  
12 filing and both parties are agreeing to continue it. I feel  
13 there's no reason (inaudible) if both parties are in  
14 agreement.

15       **PRESIDING JUDGE VARMA:** Any other questions or comments?  
16 Okay. So with respect to continuances based upon a pending  
17 independent assessment, which usually is through an interim  
18 agreement that the parties are reaching, it still needs to  
19 establish good cause. And there are many factors that we  
20 look at. As you have read, orders that come out from us on  
21 continuances, there's a whole list of factors that we are  
22 looking at. Even if the parties agree, there may be a case  
23 in which that is still not good cause, the fact that the  
24 parties are agreeing to the joint request when weighed  
25 against the other factors. And you know, one of the things  
26 that we look for is whether the assessment is connected to  
27 the issues in the case. And so each one is decided  
28 independently. That's what I can tell you. I think you have

1 all experienced occasions where we have granted a  
2 continuance and occasions where we have not. So we are  
3 looking at them individually. We are looking at our mandate  
4 under the IDEA. We are also looking at all the different  
5 factors that are particular to that case. That's the  
6 general policy of how we evaluate continuances.

7 **MR. RUDERMAN:** Is there a threshold number of months that  
8 you're looking at when you're saying that the case has been  
9 out there too long?

10 **PRESIDING JUDGE VARMA:** Not necessarily. There is no set  
11 threshold of every case must be processed in a certain  
12 time. And the reason is obvious. Some cases are very simple  
13 with the issues that they have. And some cases are very  
14 complex. So those are all the things that we look for. You  
15 know, what we ask the parties to do is when you ask for a  
16 continuance, give us all the information that you believe  
17 the ALJ should process in making that determination. Don't  
18 hold back. And don't say, well, we jointly agree.  
19 Therefore, we don't have to provide you information. You  
20 know, as the community knows, our policy is the first joint  
21 request for continuance, we virtually almost grant because  
22 the parties, it's their first joint request. And our form  
23 lays out the criteria that we ask you to abide by. But  
24 after that we are looking for a good cause. So what I would  
25 tell the community is give us every little information that  
26 you believe we need to know in order to find good cause for  
27 your continuance. Any other comments or questions?

28 **MR. RUDERMAN:** Shall I proceed on my last one?

1       **PRESIDING JUDGE VARMA:** Yes.

2       **MR. RUDERMAN:** And then in connection with an amended  
3       complaint, my reading of the code is that when you amend  
4       the complaint everything restarts. And it seems like OAH is  
5       having a stricter policy on amended complaint with regard  
6       to continuance requests on an amended complaint.

7       **PRESIDING JUDGE VARMA:** Okay.

8       **MR. RUDERMAN:** That's been my experience.

9       **PRESIDING JUDGE VARMA:** Any comments, further comments to  
10      Mr. Ruderman's comments on that or questions by any  
11      participants? No? Okay. So the statutes lay out that the  
12      timeline for conducting a hearing and rendering a decision  
13      reset. They don't address the issue of continuances. It's  
14      still the same section of 1415 that says, you know,  
15      continuances, if there's -- you know, they may extend the  
16      timeline. So we still evaluate it under the same factors.  
17      And the way we look at it is, yes, there's been an  
18      amendment and we have reset the timeline. But we still have  
19      to weigh against the requirement that there be some speedy  
20      resolution. Now if a case has been pending for a long time  
21      and you reset the timelines, that does not necessarily mean  
22      that you are now asking for a first continuance because the  
23      case is still the original filed case. There's not a new  
24      case. So it's not a first request for a continuance if  
25      you've already had one in the past. So now the continuance  
26      is evaluated to see if there's good cause. That's how we  
27      are following -- we believe we are implementing correctly  
28      the requirements of the IDEA.

1       **MR. RUDERMAN:** So just to be clear, you are having a more  
2 stringent standard on an amended complaint for a request  
3 for a continuance?

4       **PRESIDING JUDGE VARMA:** I believe the standard is still the  
5 same, good cause. What we have done in the past years to  
6 work with the community is for the first continuance we  
7 have said, okay, you know, unless is something different  
8 about this, as long as it meets our parameters, we'll  
9 almost always grant the first continuance. I don't think  
10 there is a change in how we evaluate it. There have been  
11 some first continuance requests that don't meet the good  
12 cause standard because it led to continuances well beyond  
13 the 90 days that we've put out in our policy to the  
14 community. So you can still have that. Even on the first  
15 request for a continuance, you can get denied occasionally,  
16 not very often. But it's still a good cause standard, no  
17 matter what. Anything further on this item? Okay. The next  
18 item we had is expedited hearings. And that was Ms. Beall's  
19 item. So turn it over to Ms. Beall.

20       **MS. BEALL:** Okay. So I wanted to -- I asked for this to be  
21 put on the agenda because at the last meeting on October  
22 17th there was the Item 3(d) on expedited cases that we  
23 discussed. And as I recall, the discussion was around the  
24 fact that when a case is student-filed by the student's  
25 attorney and it does not request an expedited hearing, OAH  
26 will still review the face of the complaint to see if it  
27 raises issues related to discipline. And if it does, then  
28 that case is calendared on an expedited basis, even though

1 the attorney has not requested it. I think we had some  
2 limited discussion around it. And there were no  
3 recommendations and that was the end of the discussion. So  
4 I reflected on that more after the last meeting. It's  
5 certainly come up in my own practice. And I went into the  
6 database for OAH and reviewed a lot of the orders and saw  
7 that there were many, many requests to unexpedite hearings,  
8 many of which are brought by the student, the student's  
9 attorney, when they did not intend for the case to be  
10 expedited, but it was identified as such. And so in looking  
11 through all the orders, it appeared to me that the standard  
12 for unexpediting was whether or not there was a current or  
13 pending disciplinary action against the student. And so  
14 many of these motions were granted. Some of them were  
15 denied, even when the parties were stipulating to  
16 unexpedite the hearing. There were a couple of orders that  
17 seemed to be granted or denied almost in direct conflict  
18 with each other, you know, on very similar identical facts.  
19 So having looked through all the orders and considered the  
20 issue and just looking at the fact that OAH does have an  
21 increase in filings, I wanted to open up a discussion about  
22 whether -- going back to Judge Kopec's discussion about  
23 whether or not OAH should not expedite these hearings when  
24 they're student-filed by the student's attorney and the  
25 student's attorney is not identifying it or requesting that  
26 it be expedited.

27 **PRESIDING JUDGE VARMA:** So anybody want to follow-up? Any  
28 comments to Ms. Beall's comments? You're asking to have a

1 discussion; correct? That's --

2 **MS. BEALL:** Well, that was my first request, yes.

3 **PRESIDING JUDGE VARMA:** Okay.

4 **MS. BEALL:** If no one has any comments, then I'll make the  
5 recommendation myself.

6 **PRESIDING JUDGE VARMA:** Any comments?

7 **PRESIDING JUDGE CASTILLO:** We have a comment here.

8 **PRESIDING JUDGE VARMA:** Yes?

9 **MR. ECONOMOU:** This is Eli Economou, Southern California. In  
10 my experience, when I've filed disciplinary related  
11 complaints, OAH has -- regardless of the desire of the  
12 parties to have expedited or non-expedited dates -- has  
13 made them expedited, just stating that the law doesn't  
14 grant them discretion. I don't review the cases on OAH's  
15 website as extensively as she has, so I don't know about  
16 other people's experiences. But I would one hundred percent  
17 agree that it would benefit the parties if they didn't  
18 desire to have the expedited days, for whatever reason,  
19 that OAH would not make them so. I know, in my experience,  
20 there has been disciplinary matters that have challenged  
21 subsequent to being actually carried out. Like for  
22 instance, the student has already been expelled. So he's  
23 already in an alternate placement or whatever. So there's  
24 really no reason to go forward in an expedited matter  
25 because that's already occurred. So we need to try to  
26 repair it, but, you know, if the -- both parties state  
27 that, you know, they, for whatever reason, feel that the  
28 expedited dates aren't required for the matter to proceed,

1 then I feel like that's something that should be at least  
2 visited in an analysis way, rather than just stating OAH  
3 doesn't have discretion to grant that. Expedited dates are  
4 put forward anyway.

5 **PRESIDING JUDGE VARMA:** Okay.

6 **MR. ECONOMOU:** That was a long-winded way of saying I agree  
7 with her.

8 **PRESIDING JUDGE VARMA:** Anything further? Did you have a  
9 recommendation to put forward?

10 **MS. BEALL:** So would make a recommendation along the lines  
11 of just preserving OAH resources that, if a case is filed  
12 by the student's legal counsel -- not a student-filed case  
13 where they're not represented, but by a student attorney  
14 and they are not requesting that the case be expedited,  
15 that OAH not calendar the matter on an expedited basis,  
16 even if the face of the complaint raises an issue related  
17 to discipline.

18 **PRESIDING JUDGE KOPEC:** I'm going to jump in here, just, I  
19 think, because a lot of this discussion is following up on  
20 last time's meeting. And I do apologize in terms of  
21 interrupting the recommendation that you made. But I hope  
22 you'll bear with me. First of all, I guess what I want to  
23 make clear is that we are following what we understand to  
24 be the law. And when it comes to expedited cases, certain  
25 issues are identified. And if those issues are raised,  
26 there's a right to an expedited hearing. And so that's why  
27 we review the complaint. Secondly, we, as in many cases,  
28 have had things go both ways. So I understand that the

1 concern that has been expressed so far has been that the  
2 attorney filed it. I didn't want an expedited case. And you  
3 went ahead and expedited it. I get that. We have also had  
4 situations where we did not expedite a case because, based  
5 on our review of the case, none of the issues that give  
6 rise to an expedited hearing were raised. And at the  
7 prehearing conference the attorney who filed it insisted  
8 that it was an expedited case. So we've had it go both  
9 ways. I used to call attorneys when an expedited case was  
10 -- well, when a case was not captioned as expedited, but  
11 yet I believe there were expedited issues. And the question  
12 was: You didn't request an expedited case. The most common  
13 issue is they believe that the manifestation determination  
14 decision was wrong. And the question is: You raised this.  
15 This gives rise to an expedited hearing. Do you intend to  
16 litigate this? And the question 99 percent of the time was  
17 answered, of course, I do. I raised it. And then,  
18 obviously, it has to be an expedited hearing. So that is  
19 why we do what we do. Now that's not to say -- you know, I  
20 still want -- you know, we still want to hear your  
21 discussion. But I just thought it would be important to  
22 understand why we do what we do. So again, at this point I  
23 think it would be appropriate to turn it over to Ms. Beall  
24 or, Mr. Ruderman, you want to comment before we --

25 **MR. RUDERMAN:** Yeah, I just --

26 **PRESIDING JUDGE KOPEC:** -- go to the recommendation?

27 **MR. RUDERMAN:** -- had a question. I have a hypothetical.

28 Let's say two years ago within the statute of limitations

1 there was a child committed an expellable offense. They had  
2 a manifestation determination meeting. And the district  
3 determined it was not a manifestation of the disability and  
4 we're raising even procedural issues at the manifestation  
5 determination and substantive issues. But it's now more  
6 than a year later and the student is back in school. And  
7 the complaint alleges the student was denied a free  
8 appropriate public education in, say, the 2013/14 school  
9 year, you know, both on substantive grounds and procedural  
10 grounds because the manifestation meeting was  
11 inappropriate. Is that going to give rise to an expedited  
12 hearing, even though the student has no current pending  
13 disciplinary action going on?

14 **PRESIDING JUDGE KOPEC:** The question I have for you, Mr.  
15 Ruderman, is where in the law does it say, if you challenge  
16 the manifestation determination process or decision and the  
17 child is back -- is no longer in a disciplinary placement,  
18 that you don't get an expedited hearing as long as it's  
19 within the statute of limitations? I agree that it doesn't  
20 make sense. I agree that the purpose for the expedited  
21 process is because there's a recognition that there needs  
22 to be some adjudication of whether the child was  
23 appropriately put into -- and I'll call it a disciplinary  
24 placement. But the statute of limitations is clear. And so  
25 if the issue is raised challenging the manifestation  
26 determination anytime during that statute of limitations  
27 period, I don't see any alternative, but to grant an  
28 expedited hearing. And I haven't read all the orders that

1 you have. And it's really great. We put out the orders and  
2 it's always nice to see that people are reading them. But I  
3 would hope that, for example, in a situation where folks  
4 did do a motion to unexpedite, I am aware of situations  
5 where the response is as long as you want to litigate that  
6 issue that gives rise to an expedited hearing -- namely, as  
7 long as you want to challenge the manifestation  
8 determination decision or process, we're going to give you  
9 an expedited hearing unless you withdraw that issue.

10 **MR. RUDERMAN:** Do you know what other -- how other states  
11 are handling those? I don't know if you go to conferences  
12 where that's brought to --

13 **PRESIDING JUDGE KOPEC:** Yeah, I've never been aware that  
14 this issue has come up. I have not researched it in quite  
15 awhile. I know others do. And I have never been aware that  
16 this issue has been litigated and decided.

17 **PRESIDING JUDGE VARMA:** To add to that, I have dealt with  
18 those motions. And I have written orders on those motions.  
19 And to the extent that I can in some of those orders, I do  
20 lay out the factors that would make the case unexpedited  
21 should the parties choose to re-file. One of the things  
22 that I've looked for -- and they're excellent attorneys on  
23 both sides of the field in the community that file these  
24 motions -- I've been looking for some case law that would  
25 show that -- how to interpret the statute in the type of  
26 the situation that Mr. Ruderman has laid out there. And we  
27 agree. It does not seem logical. But we cannot find the  
28 authority to unexpedite it in those situations. So we share

1 your view, but we're not aware of how the law allows us to  
2 unexpedite it when there's still a desire to litigate that  
3 issue that falls under the section 1415 that deals with  
4 expedited hearings.

5 **MR. RUDERMAN:** I wonder if somebody could guidance even from  
6 OSEF (Phonetic) or something like that as to whether that  
7 would be in their view a violation of -- guess I'd have to  
8 ask CDE for that? Is that what I have to do?

9 **PRESIDING JUDGE VARMA:** I'm not sure what the OSEF  
10 procedures are. I believe anybody can write into OSEF and  
11 ask a question.

12 **MR. RUDERMAN:** Maybe like if -- for example, if the  
13 California Department of Education made a request and posed  
14 that hypothetical and that might give some guidance on the  
15 best way to handle it. No, I understand your problem. I  
16 agree with you. I don't think there's authority. But it  
17 just isn't logical. But that might be a way to see if  
18 somebody could do something.

19 **PRESIDING JUDGE KOPEC:** I mean I do think anyone can write  
20 into them.

21 **MR. RUDERMAN:** Right. I think it would have more strength  
22 from the Department of Education, I would imagine, if they  
23 came in and said, look, this is the situation that's coming  
24 up and we'd like guidance to know that we're kosher in  
25 terms of how we're handling it.

26 **PRESIDING JUDGE VARMA:** Any other comments or questions? And  
27 then we'll get back to Ms. Beall's recommendation. Okay.  
28 Ms. Beall, did you want to go forward -- put forward the

1 recommendation or did you want to change it in any way?

2 **MS. BEALL:** Good question. I guess the way I would summarize  
3 the issue is that I understand Judge Kopec's comments. And  
4 it is a conundrum, I think, this issue. And there are many  
5 of these motions on expedite that are being granted because  
6 these issues are raised related to a FAPE violation, not  
7 because the student's attorney is challenging the  
8 discipline per se or looking for an expedited hearing. I  
9 think because we're at the point where there's this doubt  
10 around -- this concern that the law absolutely requires  
11 these hearings to be expedited, that I would amend my  
12 recommendation to say that perhaps OAH could perhaps  
13 research the issue and consider perhaps developing a  
14 process where there may be a way to -- and I don't know.  
15 I'm throwing this out off the top of my head. Perhaps maybe  
16 schedule an early conference in these matters to decide  
17 whether or not the matter could be unexpedited or not, so  
18 as to maybe create some more judicial efficiency around the  
19 situation. I'd certainly welcome anyone's desire to add to  
20 that or change in any way.

21 **PRESIDING JUDGE CASTILLO:** We have a couple comments down  
22 here. (Inaudible) --

23 **PRESIDING JUDGE VARMA:** Before --

24 **PRESIDING JUDGE CASTILLO:** -- Blanca, then --

25 **PRESIDING JUDGE VARMA:** -- before -- Judge Castillo --

26 **PRESIDING JUDGE CASTILLO:** -- oh, okay (inaudible)

27 **PRESIDING JUDGE VARMA:** -- before we do, I just want to make  
28 sure I have the reading correctly of the recommendation. So

1 as I understand it, the recommendation currently is that  
2 OAH research the issue of expedited/non-expedited hearings  
3 and develop a process to schedule an early conference to  
4 address whether the case should be expedited or non-  
5 expedited?

6 **MS. BEALL:** Correct.

7 **PRESIDING JUDGE VARMA:** Okay. And then is there a second to  
8 the recommendation?

9 **PRESIDING JUDGE CASTILLO:** I think we had questions down  
10 here, Judge Varma.

11 **PRESIDING JUDGE VARMA:** I think we need to -- about the  
12 recommendation itself?

13 **PRESIDING JUDGE CASTILLO:** Ms. Zambrano, do you have a  
14 question about --

15 **MS. ZAMBRANO:** I have a question. Question.

16 **PRESIDING JUDGE CASTILLO:** Okay.

17 **MS. ZAMBRANO:** As a parent, just want to -- if I have a  
18 suggestion like this with my son, I just want to  
19 understand. Is there a specific law that the judge refers  
20 to to determine if it's -- the case is going to be  
21 expedited or non-expedite? How is that determined? Is there  
22 a specific law that you're referring to?

23 **PRESIDING JUDGE VARMA:** Within the federal statute, there is  
24 a section that sets out, depending upon what the issue that  
25 is raised, if it concerns a change in placement due to  
26 disciplinary action, the matter is deemed an expedited  
27 hearing. And it goes on an expedited calendar.

28 **MS. ZAMBRANO:** (Inaudible) What? What will be --

1 **MALE COMMITTEE MEMBER:** Think he (Inaudible)

2 **MS. ZAMBRANO:** Oh, in the --

3 **MALE COMMITTEE MEMBER:** I mean (inaudible)

4 **MS. ZAMBRANO:** -- okay. Thank you.

5 **PRESIDING JUDGE CASTILLO:** We had one other --

6 **FEMALE COMMITTEE MEMBER:** Yes.

7 **PRESIDING JUDGE CASTILLO:** -- well, why don't you get closer

8 to the mic.

9 **FEMALE COMMITTEE MEMBER:** I wasn't clear about the

10 recommendation. Is it whether you're asking for a motion to

11 unexpedite or can a student's attorney file a notice of

12 waiver of statutory right for expedition?

13 **PRESIDING JUDGE VARMA:** Okay. I've read your recommendation

14 as you stated it; correct?

15 **MS. BEALL:** Correct.

16 **PRESIDING JUDGE VARMA:** Okay.

17 **FEMALE COMMITTEE MEMBER:** Because it doesn't sound to me

18 like OAH is in a position right now where it feels it could

19 legally proceed with that type of recommendation of

20 allowing -- of filing it on an -- you know, not expediting

21 it if the face of the complaint raises an issue that

22 appears to fall under 20 USC 1415 and would require that

23 the hearing be expedited.

24 **PRESIDING JUDGE VARMA:** At this point I'd like to see if

25 there is a second to the recommendation.

26 **MALE COMMITTEE MEMBER:** I'll second it.

27 **PRESIDING JUDGE VARMA:** And --

28 **PRESIDING JUDGE CASTILLO:** We have second down here, Bob.

1 **PRESIDING JUDGE VARMA:** And was that you, Mr.     -Economou?

2 **MR. ECONOMOU:** It was. Sorry.

3 **PRESIDING JUDGE VARMA:** Okay. Okay. So at this time we're  
4 going to take a vote on the recommendation. And we'll start  
5 with Southern California. All in favor? Oh, yes.

6 **PRESIDING JUDGE KOPEC:** (Inaudible) --

7 **PRESIDING JUDGE VARMA:** Yeah.

8 **PRESIDING JUDGE KOPEC:** -- okay.

9 **PRESIDING JUDGE VARMA:** Would all in favor, would you please  
10 raise your hand? And then we'll do a roll call of who is in  
11 favor of the recommendation. Could we have the names?

12 **PRESIDING JUDGE CASTILLO:** Actually, Ms. Young, Ms. West-  
13 Hernandez, Ms. Hatch, Mr. Economou, Ms. Adams, Mr. German,  
14 and Ms. Zambrano.

15 **PRESIDING JUDGE VARMA:** Anybody opposed?

16 **PRESIDING JUDGE CASTILLO:** None opposed in Southern  
17 California, no.

18 **PRESIDING JUDGE VARMA:** Anybody refraining?

19 **PRESIDING JUDGE CASTILLO:** No refraining in Southern  
20 California.

21

22 **PRESIDING JUDGE VARMA:** Okay. In Sacramento, can we have  
23 people in favor of the recommendation? And everybody in  
24 favor, raise your hand. So we have Ms. Foos in favor, Ms.  
25 Villarreal in favor, Ms. Fattig in favor, Ms. Holsinger in  
26 favor, Ms. Beall in favor and Ms. Mates in favor. Anybody  
27 opposed? We have Mr. Ruderman opposed and none abstaining.  
28 Okay. So the recommendation is carried and we will consider

1 it and respond. Anything further on this item, Ms. Beall?

2 **MS. BEALL:** No.

3 **PRESIDING JUDGE VARMA:** Any public comment? No public  
4 comments on anything? Okay. Southern California, are there  
5 any public comments?

6 **PRESIDING JUDGE CASTILLO:** Are there any comments about, not  
7 only this, but any other general comments regarding --

8 **PRESIDING JUDGE VARMA:** This is --

9 **PRESIDING JUDGE CASTILLO:** -- (inaudible)?

10 **PRESIDING JUDGE VARMA:** -- yeah, is this the time --

11 **MALE:** You've answered them --

12 **PRESIDING JUDGE VARMA:** -- for all general public comments.

13 **PRESIDING JUDGE CASTILLO:** Any general comments. No general  
14 comments down here, Judge Varma.

15 **PRESIDING JUDGE VARMA:** Okay. The last item on the list then  
16 is the proposed date for the next Advisory Committee. And  
17 what we are proposing is Friday, October 9th, 2015. I'll  
18 give folks a chance to look at their calendars and then  
19 we'll ask for comments. Okay. How does that date sound for  
20 everyone? Hearing no opposition, we will set October 9th,  
21 2015 for the next Advisory Committee meeting starting at  
22 10:00 a.m. Mr. Ruderman?

23 **MR. RUDERMAN:** I actually should've brought this up under  
24 maybe public comment or question. Is CDE invited to these  
25 meetings? Because years ago they used to always send  
26 somebody. And that might actually be a useful thing.

27 **PRESIDING JUDGE VARMA:** You know better than me (inaudible).

28 **PRESIDING JUDGE KOPEC:** Yeah.

1       **PRESIDING JUDGE VARMA:** Yeah.

2       **MR. RUDERMAN:** Do they have a --

3       **PRESIDING JUDGE VARMA:** CDE is aware of the meeting, yes.

4       **MR. RUDERMAN:** Do they have a -- because they used to send a  
5       representative. When did that stop?

6       **PRESIDING JUDGE VARMA:** I am not aware.

7       **PRESIDING JUDGE KOPEC:** It's been awhile.

8       **PRESIDING JUDGE VARMA:** Yeah.

9       **PRESIDING JUDGE KOPEC:** I remember when Richard Clark the  
10       Division PJ, there was a -- I believe a discussion, maybe  
11       even a recommendation, that CDE we required to attend. But  
12       you know, they're certainly aware and they receive the  
13       agenda and all the items, so.

14       **MR. RUDERMAN:** Well, then I think I'd like to add that to  
15       next meeting's agenda, the notion of whether CDE has a  
16       representative here. Just for the reason that we were  
17       talking about that, I think it would be useful for CDE to  
18       hear some of those concerns.

19       **PRESIDING JUDGE VARMA:** We will have that as one of the  
20       agenda items for the next meeting. And as we get closer,  
21       you guys will get the request for any other agenda items  
22       that you want to put on the agenda at that time. So just  
23       please hang onto that. I'll put it on, but in case you want  
24       to remind me to --

25       **PRESIDING JUDGE KOPEC:** Must have a better memory than I do  
26       because I would urge you to submit the agenda item again,  
27       but just --

28       **MR. RUDERMAN:** Well, and I don't have a great memory either,

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so.

**PRESIDING JUDGE KOPEC:** Okay. All right. Well, Bob has it all taken care of.

**MR. RUDERMAN:** We'll have to rely on Bob, I guess.

**PRESIDING JUDGE KOPEC:** Okay.

**PRESIDING JUDGE VARMA:** So if there's nothing else, we're going to adjourn the meeting. We didn't even need to take a break for a restroom, so. And (inaudible) note? Okay. The Advisory Committee is adjourned and we'll see everybody October 9, 2015. Thank you all for attending. Bye, Southern California.

(Special Education Advisory Committee Meeting Adjourned)

TRANSCRIBER'S CERTIFICATE

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STATE OF CALIFORNIA     )  
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COUNTY OF SACRAMENTO    )

                  This is to certify that I transcribed the foregoing pages 1 to 38 to the best of my ability from an audio recording provided to me by Office of Administrative Hearings, Special Education Advisory Committee.

                  I have subscribed this certificate at Elk Grove, California, this 24th day of April, 2015.



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Lori F Hildebrand  
Foothill Transcription Company

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