

1 TRANSCRIPTION OF RECORDED MEETING  
2 OF  
3 OFFICE OF ADMINISTRATIVE HEARINGS  
4 SPECIAL EDUCATION ADVISORY COMMITTEE  
5 October 17, 2014  
6 Sacramento & Van Nuys, California

7 Members Present: Northern California

8 Presiding Judge Judith Kopec, Facilitator

9 Judith Holsinger

10 Karen Mates

11 Valerie Mulhollen

12 Diane Beall

13 Richard Ruderman

14 Mindy Fattig

15 Colleen Villarreal

16 Southern California

17 Presiding Judge Richard Breen, Facilitator

18 Melissa Hatch

19 Margaret Adams

20 David German

21 Ricky Alyssi

22 Sara Young

23 Lysa Saltzman

24 Paula West-Hernandez

25 Blanca Zambrano

26 Transcribed by: Lori Hildebrand,  
27 Foothill Transcription Company  
28 October 31, 2014  
Elk Grove, California

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**TRANSCRIBED RECORDED MEETING OF  
OFFICE OF ADMINISTRATIVE HEARINGS  
SPECIAL EDUCATION ADVISORY COMMITTEE**

**October 17, 2014**

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**PRESIDING JUDGE KOPEC:** Good morning. This is the meeting of the Office of Administrative Hearings Special Education Advisory Committee. And I'd like to welcome everyone who is attending, the members of the advisory committee, both in Sacramento and Van Nuys, along with members of the public and those of you who are participating and listening via our webinar. At this point, what I'd like to do is see if there is any objection to Judge Breen and myself acting as facilitators for this meeting. Is there any objection in Northern California?

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**FEMALE COMMITTEE MEMBER:** No.

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**PRESIDING JUDGE KOPEC:** In Southern California?

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**PRESIDING JUDGE BREEN:** No objections.

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**PRESIDING JUDGE KOPEC:** Okay. And similarly, I would like to know if there's any objection to Administrative Law Judge Ravandi taking notes for us here in Northern California and Presiding Administrative Law Judge Peter Paul Castillo doing the same for Southern California. So any objection in Northern California? Hearing none. In Southern California?

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**PRESIDING JUDGE BREEN:** No objections.

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**PRESIDING JUDGE KOPEC:** Okay. Terrific. Now what I'd like to do is have the members of the committee introduce themselves. This is the first meeting of the two-year term

1 for a number of the members. And then we have a few members  
2 who are continuing. And so this will be the beginning of  
3 your second year. And in addition, some of the new members,  
4 we are lucky to have folks were who had served for the  
5 prior two years and decided that they would like to  
6 continue their service. So what I'd like to do is go around  
7 each of the tables in both locations. And if you would  
8 please introduces yourselves? And then also if you would  
9 identify yourself in terms of your interest or affiliation  
10 with special education in terms of whether you're a parent,  
11 a student's advocate or student's attorney, district  
12 representative, employee or district attorney or  
13 representative, advocate? And we do that because we need to  
14 make sure that we comply with the prior balance for the  
15 regulation. And I know some of you may have both  
16 categories, so whatever you feel like sharing, that is  
17 certainly up to you. So let's start with Ms. Holsinger.

18 **MS. HOLSINGER:** Okay. My name is Judy Holsinger and I'm the  
19 Executive Director for the Sacramento County SELPA. So I am  
20 the SELPA administrator for Sacramento County.

21 **PRESIDING JUDGE KOPEC:** Terrific.

22 **MS. MATES:** Hi. I'm Karen Mates. I am the Senior Director of  
23 Special Education for the Antioch Unified School District.

24 **PRESIDING JUDGE KOPEC:** Welcome.

25 **MS. MATES:** Right.

26 **MS. MULHOLLEN:** My name is Valerie Mulhollen. And I  
27 represent parents and students. And I also am a  
28 credentialed special ed teacher in (inaudible).

1 **MS. BEALL:** My name is Diane Beall and I am a district  
2 attorney and I am also the parent of a high schooler in  
3 special education.

4 **MR. RUDERMAN:** And I am Rick Ruderman with Ruderman & Knox.  
5 And I am an attorney on behalf of students and parents.

6 **MS. FATTIG:** My name is Mindy Fattig. I'm SELPA Director of  
7 Humboldt-Del Norte SELPA. And I'm also a parent of a  
8 special needs child.

9 **MS. VILLARREAL:** My name is Colleen Villarreal and I am a  
10 district attorney.

11 **PRESIDING JUDGE KOPEC:** Terrific. And also, I'd like to  
12 indicate that Ms. Foos indicated she was unable to attend.  
13 And then, in addition, one of our new members, Mr. Tran,  
14 indicated that he was unable to attend. And both of them  
15 had prior commitments that they tried, but were unable to  
16 change. So in Southern California?

17 **PRESIDING JUDGE BREEN:** Okay. And we'll start beginning on  
18 my left with Ms. Hatch.

19 **MS. HATCH:** Melissa Hatch, attorney for school districts.

20 **MS. ADAMS:** Margaret Adams, attorney for students. And I'm  
21 also a parent of an adult child who had an IEP.

22 **MR. GERMAN:** David German, parent (inaudible).

23 **PRESIDING JUDGE KOPEC:** I'm sorry. I --

24 **MR. GERMAN:** Oh, sorry. David German, parent of --

25 **PRESIDING JUDGE KOPEC:** I'm sorry. Once again?

26 **MR. GERMAN:** David German.

27 **PRESIDING JUDGE KOPEC:** Thank you, Mr. German.

28 **PRESIDING JUDGE BREEN:** And Judge Kopec, I'll adjust the

1 microphones once we're done with the introductions.

2 **PRESIDING JUDGE KOPEC:** Okay. Terrific. Thank you.

3 **MR. ALYSSI:** Ricky Alyssi, Coordinator of Special Ed for  
4 Romoland School District. And then I also have a child with  
5 special needs.

6 **MS. YOUNG:** I'm Sara Young. I'm the Director of Dispute  
7 Resolution for a school district.

8 **MS. SALTZMAN:** I'm Lysa Saltzman. I'm an attorney with the  
9 Orange County Department of Education.

10 **PRESIDING JUDGE KOPEC:** Okay. And in addition, Mr. Economou  
11 indicated to me that he was unable to attend due to a prior  
12 commitment that he couldn't change. And it looks as though  
13 Paula West-Hernandez is not attending. She is a new member  
14 in Van Nuys. And in addition, Blanca Zambrano was also a  
15 new member appointed in Van Nuys. And it looks as though  
16 she is not attending. If some of the missing members do  
17 arrive while we're conducting the meeting, just please  
18 bring it to my attention because I want to make sure we  
19 have a clear recitation of who is here and who is not here.

20 **PRESIDING JUDGE BREEN:** Absolutely.

21 **PRESIDING JUDGE KOPEC:** Okay. Terrific. The next thing I'd  
22 like to do is have introductions of the members of the OAH  
23 staff who are here. And we are pleased to have our Director  
24 and Chief Administrative Law Judge Linda Cabatic.

25 **CHIEF JUDGE CABATIC:** Hello. I'd just like to welcome you  
26 all. Some of you have been here before. Others, it's your  
27 first time. But I just wanted to let you know we truly  
28 appreciate you taking time from your busy schedule to be

1 here. Your work is important. Your comments are important  
2 to us. So I want to thank you for agreeing to serve on this  
3 committee.

4 **PRESIDING JUDGE KOPEC:** Okay. Thank you. And we have  
5 Presiding Administrative Law Judge Bob Varma in our  
6 Sacramento office.

7 **PRESIDING JUDGE VARMA:** Good morning.

8 **PRESIDING JUDGE KOPEC:** And as I mentioned, Administrative  
9 Law Judge Terry Ravandi, who is kind enough to be helping  
10 take notes today.

11 **JUDGE RAVANDI:** Good morning.

12 **PRESIDING JUDGE KOPEC:** And in Van Nuys, I'll turn it over  
13 to Judge Breen for the introductions as well.

14 **PRESIDING JUDGE BREEN:** And good morning, everybody. I'm  
15 Presiding Administrative Law Judge Richard Breen. And to my  
16 right is?

17 **PRESIDING JUDGE CASTILLO:** Presiding Administrative Law  
18 Judge Peter Paul Castillo. And we have present one of our  
19 new ALJ's, Ted Mann.

20 **JUDGE MANN:** Good morning.

21 **PRESIDING JUDGE KOPEC:** Terrific. Thank you very much. As  
22 Director Cabatic indicated, we very much appreciate your  
23 attendance and participation here on the advisory  
24 committee. As I indicated, we do have several members who  
25 have been reappointed after their term expired. I'm always  
26 very excited to have that because it does allow for some  
27 continued continuity in terms of the advisory committee,  
28 although I do realize that everybody who is here has a long

1 term connection to special education and you bring with you  
2 a wealth of knowledge as well. Also, the Office of  
3 Administrative Hearings really does seek and benefit from  
4 all of your input and participation. And it has been over  
5 the years an important forum for the exchange of ideas and  
6 for giving OAH the opportunity to continue to improve its  
7 processes and procedures because I know that we're all  
8 dedicated to providing the best alternative dispute  
9 resolution process, including mediations and hearings, for  
10 the special ed community here in California. What I'd like  
11 to do is go over the expectations of members who are on the  
12 committee. And following up, to fully benefit from  
13 everybody's participation and, given the fact that we only  
14 meet twice each fiscal year, we really count on you to  
15 fully participate and to attend. We understand that  
16 everybody's time is valuable. And I can only imagine what  
17 everyone's calendars look like because I know what our  
18 calendar looks like. So, again, I understand the commitment  
19 of time. And many of you are coming from considerable  
20 distance, both in Northern and Southern California. So we  
21 really want to make the best use of the opportunity that  
22 you present for us. If you are unable to attend and things  
23 do come up, either something that's planned that cannot be  
24 changed or sudden unexpected events, please contact me or  
25 Tim Dean, who has been the contact. And he has emails and  
26 his phone number is on the materials. Just let us know as  
27 earlier as possible. It helps us anticipate whether we  
28 would have a challenge meeting a quorum or not. And then if

1 things do change, please let us know and we'll look forward  
2 to seeing you. Because those of you who have either  
3 participated, listened to the meetings or been on the  
4 committee are aware that over the last several years we  
5 have had a problem getting a quorum. And we determine the  
6 quorum by the total number of members, both in Van Nuys and  
7 Sacramento. And I'm really excited that, not only do we  
8 have a quorum, but we have more than a quorum. So that is  
9 great. As a result of that, we recently determined that if  
10 a member does not attend two meetings during the course of  
11 the term -- and that's over the two-year period -- that the  
12 Office of Administrative Hearings may consider replacing  
13 that member. And our commitment, because we need to keep  
14 the balance in terms of parent affiliated individuals and  
15 student affiliated, although the categorization always  
16 makes me uncomfortable. But it's in the regulations, so  
17 that's what we need to do. We would then replace that  
18 member and still maintain the required balance on the  
19 committee. So, again, like I said, it took awhile. But  
20 since we did have some issue with getting a quorum, I  
21 really felt it was necessary. And I do know things change  
22 and what you -- and commitments change. And so that's  
23 certainly understandable. Again, I'd like to go over the  
24 process. Over the years we have changed our process. And I  
25 think the last couple years, this process that we have  
26 seems to work very well for everybody. So for the agenda  
27 items that were proposed by the Office of Administrative  
28 Hearings, I will go forward and present those items. Then

1 the committee members can have discussion on those items.  
2 Often what will happen in the course of the discussion, one  
3 of the committee members wishes to provide a  
4 recommendations in terms of addressing the issue or somehow  
5 touching upon the agenda item. We ask that another member  
6 second that. Although we don't comply with the official  
7 Roberts Rules of Order, it helpful to indicate that there  
8 is sufficient interest on the committee to go ahead and  
9 discuss that recommendation. And then we'll take a vote. I  
10 will be talking about the open meeting later in the agenda.  
11 But effective January of 2015 -- and I'm going to comply  
12 with it a little bit early -- is we need to make sure that  
13 on every action that we take that we have a roll call vote.  
14 And that would include those in favor, those against and  
15 any abstentions. And although I've already kept track of  
16 that in terms of knowing whether things are passed or not,  
17 it'll be a little bit more formal than it has been in the  
18 past. We also at that time will ask for input from members  
19 of the public, whether they are in each of the locations.  
20 Judge Varma is monitoring any comments that come in through  
21 the website. And then what we do is any items that are  
22 proposed by committee members, we go through the same  
23 process. The committee member will present the item.  
24 There'll be discussion. Any recommendations that are  
25 seconded, a vote, etcetera. For this agenda, all of the  
26 items on the agenda are proposed by the Office of  
27 Administrative Hearings. Okay.

28 **PRESIDING JUDGE BREEN:** Judge Kopec, may I interrupt you? I

1 hope that's a good point, a good part to do so. This is  
2 Judge Breen in Van Nuys.

3 **PRESIDING JUDGE KOPEC:** Sure.

4 **PRESIDING JUDGE BREEN:** We had two additional Southern  
5 California committee members join us, Ms. Zambrano and  
6 West-Hernandez.

7 **PRESIDING JUDGE KOPEC:** Terrific. Welcome. We have already  
8 gone through the introduction of members. But what I'd like  
9 to do is if you would each introduce yourself. And if you  
10 would just indicate what your connection to special  
11 education is in terms of whether you're a parent or  
12 parent's advocate or attorney, a district employee, SELPA  
13 employee, advocate or attorney. I know some of you may have  
14 both. And to the extent that you feel comfortable sharing  
15 that information. So?

16 **PRESIDING JUDGE BREEN:** All right, how about we start with  
17 Ms. West-Hernandez?

18 **MS. WEST-HERNANDEZ:** Okay. I'm Paula West-Hernandez. And I'm  
19 the parent of an adult child with a disability. I also have  
20 a visual disability myself. And so I've grown up on both  
21 sides of the IEP table. And I currently work for TASK as a  
22 parent advocate.

23 **PRESIDING JUDGE KOPEC:** Welcome.

24 **MS. WEST-HERNANDEZ:** Thank you.

25 **MS. ZAMBRANO:** And I am Blanca Zambrano. I have a son and he  
26 is 12 years of age. And he has cerebral palsy, autism,  
27 epilepsy. So I'm here as a parent.

28 **PRESIDING JUDGE KOPEC:** Okay.

1       **PRESIDING JUDGE BREEN:** Well, thank you.

2       **PRESIDING JUDGE KOPEC:** And again, just as an overview, I  
3 went over the expectations of members, which were laid out  
4 in the application materials. And in order to take full  
5 advantage of what you have to offer to the committee and  
6 our problem over the last couple years of reaching quorum,  
7 we have developed the policy that if a member is unable to  
8 attend two meetings during the course of his or her two-  
9 year term, that OAH may consider removing the member and  
10 replacing the member with someone else in order to maintain  
11 the balance that we are required to have in terms of parent  
12 affiliated and district affiliated individuals. And in  
13 terms of the meeting itself, it's fairly informal. I will  
14 present the agenda items proposed by the Office of  
15 Administrative Hearings. And then the members, we will have  
16 discussion. A member may make a recommendation. If it's  
17 seconded, indicating there's sufficient interest, then the  
18 members will discuss the recommendation. Public comment  
19 will be asked for, if we have any. And then a vote will be  
20 taken. So that's the quick and dirty summary, but I wanted  
21 to bring you up-to-date because both of those items are  
22 important for all members to know. Okay. The next item is  
23 the Open Meeting Act. And we sent to each of the members a  
24 copy of a publication from the Attorney General's Office of  
25 California, which is The Handy Guide to the Bagley-Keene  
26 Open Meeting Act. It indicates it's the Open Meeting Act of  
27 2004. But attached to the Opening Meeting Act Handy Guide  
28 is a copy of all of the statutory provisions of the Open

1 Meeting Act. And what I can tell you is that the  
2 information provided in the Handy Guide does touch on  
3 provisions and requirements that continue to be in play. So  
4 don't be concerned that the information outdated. We are  
5 required to provide a copy of the Open Meeting Act to every  
6 new member upon appointment. And each member is responsible  
7 to ensure that his or her conduct complies with the Open  
8 Meeting Act. Each fall we do talk about it. And what I will  
9 do is highlight the key provisions. We are responsible to  
10 comply with our obligations of the Open Meeting Act, just  
11 as you are required to comply with your responsibilities.  
12 So I urge you, if you haven't already, to read the Handy  
13 Guide. Take a look at the statutory provisions. As I did  
14 indicate, there is a provision that as of January of this  
15 year that all actions taken by the committee have to be  
16 reported in terms of a roll call. So I just decided it's  
17 easiest to do that and get started with this meeting. I  
18 want to bring to your attention a couple areas that I think  
19 are of key importance for the members. I do that, not to  
20 say these are the only provisions you need to be concerned  
21 about, but these would tend to be those that, if there is  
22 ever an issue, it would arise. And the whole purpose of a  
23 meeting or the definition of a meeting is the majority of  
24 the advisory committee gets together to either discuss,  
25 deliberate, or take action on something that's within the  
26 jurisdiction of the committee. And on every agenda, I  
27 indicate we provide what the mission of the committee is.  
28 And that's basically the mission and goals define what our

1 jurisdiction is. And generally, it's to provide  
2 recommendations, support, information concerning OAH's  
3 special education policies and procedures regarding  
4 mediations and hearings. So this is a meeting because we're  
5 here to discuss and perhaps take action and vote on items  
6 on the agenda. There's a provision that prohibits what's  
7 called a serial meeting. And what that means is, for  
8 example, if either in terms of coming up with an agenda  
9 item or if you see an agenda item and one member calls or  
10 sends an email to another member about that item and  
11 perhaps -- again, this is all hypothetical -- I've never  
12 been aware that this has happened -- perhaps discuss or  
13 propose I'd like to have this recommendation. What do you  
14 think about it? And then that person says, okay, I'll  
15 another member. And so basically, although you're never  
16 together in one room, like we are here, you basically are  
17 discussing an item that is within our jurisdiction and  
18 you're doing it serially, like a chain. And that is a  
19 prohibited serial meeting. Okay. And the Handy Guide, let  
20 me give you the citation. It's discussed on page 6,  
21 paragraph 5. And there are some exceptions to this. And I  
22 don't necessarily want to get bogged down in the details.  
23 But, for example, if you're at a convention or a meeting  
24 and there's just -- you know, you're not talking about  
25 deliberating and that type of thing, it doesn't prohibit  
26 any kind of communication between members. So at this point  
27 are there any questions about this very brief overview of  
28 the Open Meeting Act? No. I certainly am available if you

1 do have any questions. But again, we can't provide you any  
2 legal advice, but certainly I'd be more than happy to  
3 explain the provisions and if you have any questions. All  
4 right, we are far ahead of our schedule. I'm planning on  
5 this at 11:00 o'clock or so taking a break. Does that work  
6 for folks? Any need for a break at this time? Hearing no  
7 requests, okay. The next item is concerning staff changes  
8 here at the Office of Administrative Hearings. I always use  
9 the meetings as an opportunity to let you know changes. As  
10 some of you may have noticed, former Administrative Law  
11 Judge Peter Paul Castillo, who was part of our Sacramento  
12 office, based out of Oakland, has been very recently  
13 promoted to become a Presiding Administrative Law Judge  
14 here in Van Nuys office. As I kid him, he has crossed the  
15 Northern/Southern divide of this wonderful state. And the  
16 reason why we now have a second Presiding Judge in Van Nuys  
17 is because we have been fortunate enough to be able to get  
18 some additional positions. And that office has gotten to  
19 the point where we really need two Presiding Judges to work  
20 in that office. And speaking of new judges, in Van Nuys,  
21 Administrative Law Judge Ted Mann has been recently  
22 appointed. He wants to stand up. And I see you back in the  
23 corner. Welcome to the meeting. I believe this is your  
24 first opportunity to attend our meeting.

25 **JUDGE MANN:** Yes, it is.

26 **PRESIDING JUDGE KOPEC:** And in Sacramento, we have  
27 Administrative Law Judge Andrea Miles, who has also joined  
28 us. Both Judge Mann and Judge Miles come to us from the

1 California Unemployment Insurance Appeals Board. So both of  
2 those judges have a lot of experience conducting hearings.  
3 Both of those, in their background, also have an interest  
4 and commitment in terms of various issues about special  
5 education. So they will be going through our mandatory  
6 mediation training at the beginning of next month. They're  
7 finishing up all of the required training. Once they get  
8 the mediation training finished, they will out and about  
9 and handling cases. So we are really, really excited to  
10 have both of them join us. In addition, at the end of this  
11 month, and also attending the mediation training, will be  
12 two more ALJ's for Van Nuys. And they are Caroline Zuk, who  
13 has been a long time practitioner, both representing  
14 districts and representing students. She was a former staff  
15 person at the Southern California Diagnostic Center. And  
16 she just brings a whole wealth unique experiences in  
17 special education to the Office of Administrative Hearings.  
18 And then we also will be have Chantal Sampogna, who is  
19 joining us also from the California Unemployment Insurance  
20 Appeals Board. So like Judges Mann and Miles, she has a  
21 wealth of experience conducting hearings. In addition, she  
22 has served as a judge pro tem in the Alameda County  
23 Juvenile Court system. She has a long commitment to  
24 disability rights and particularly the interests of special  
25 education issues in the juvenile justice and dependency  
26 spheres. So she also, as I think you -- we are very excited  
27 because all of the new hires have been able to have a wide  
28 variety of experience, including touching upon various

1 aspects of special education.

2 **FEMALE COMMITTEE MEMBER:** How do you spell her last name?

3 **PRESIDING JUDGE KOPEC:** I'm sorry?

4 **FEMALE COMMITTEE MEMBER:** How do you spell her last name?

5 **PRESIDING JUDGE KOPEC:** Sampogna is S-A-M-P-O-G-N-A.

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

7 **PRESIDING JUDGE KOPEC:** In addition, we are currently  
8 recruiting here in Sacramento to fill the Administrative  
9 Law Judge position created when Judge Castillo was promoted  
10 to Presiding Administrative Law Judge. And we are also  
11 recruiting for one more position in the Van Nuys office as  
12 well. The San Diego group of Administrative Law Judges are  
13 reporting and being supervised by Judge Castillo. So, in  
14 essence, we currently have a Northern California office, as  
15 we always have had, in Sacramento. And now we have a  
16 consolidated Southern California office. All right, that  
17 concludes the sort of background and information aspect of  
18 the agenda. What I'd like to do is move into those items  
19 having to do with our hearing and mediation procedures and  
20 processes. And the first item is to let you know, in terms  
21 of the forms that we provide on our website, we are moving  
22 towards having fillable forms. I think I have mentioned  
23 over the last couple of years that we remain committed to  
24 having, in essence, an e-filing system, hopefully, at some  
25 point connected the web. So in addition to being able to  
26 complete requests, we one day hope that you'll be able to  
27 submit those requests. But there are all sorts of  
28 confidentiality and security issues. But we really are

1 working on that. And Director Cabatic has been very much  
2 committed to moving there. So one tiny baby step in that  
3 direction is that our English Request for Mediation and Due  
4 Process Hearing form is fillable. When you pull it up as a  
5 PDF file, you can put your cursor in the different fields  
6 and you can type. What you have to do, sort of old school,  
7 is print it out and then hopefully fax it in. Or if you  
8 don't have availability to fax, go ahead and send that in.  
9 So hopefully, that will be -- like I said, it's a baby  
10 step. But in some ways I think it is a very helpful step  
11 towards accessibility and making things readily available.  
12 Currently, the only form that we have is the English  
13 version of the Request for Hearing and Mediation. We are in  
14 the process of getting it translated into the other  
15 languages. And then we are also working on getting all of  
16 our forms on the website, make them fillable in all the  
17 languages that are required. Okay. Any comments, questions?  
18 None in Northern California. In Southern California?

19 **PRESIDING JUDGE BREEN:** And none down here.

20 **PRESIDING JUDGE KOPEC:** Okay. The next item is also  
21 informational only. I wanted to let the committee know that  
22 we are actively revising our FAQ's that we have on the  
23 website concerning the mediation and hearing process and  
24 our Guide to Understanding Special Education Due Process  
25 Hearings, which is our comprehensive manual. They need to  
26 be updated. There's some additional information that we do  
27 want to include in there. We have recently updated the  
28 brochure that we have on the website. So hopefully, this

1 will continue to assist the community in terms of providing  
2 information of our procedures and policies and providing  
3 references to the law. There are sample forms in there. And  
4 hopefully, that will, as I said, continue to be helpful to  
5 the community. Any comments? Questions? Recommendations?

6 **MS. BEALL:** I actually have one.

7 **PRESIDING JUDGE KOPEC:** Okay. Ms. Beall?

8 **MS. BEALL:** I went on the website and looked over the  
9 fillable forms and the FAQ's and the Guide. One comment  
10 that I wanted to make and perhaps get input from the rest  
11 of the committee is whether or not OAH should be advising  
12 parents who share joint custody of a child to serve the  
13 other parent with the due process complaint. Because as it  
14 stands presently, OAH does not instruct parents who share  
15 joint custody to serve the other parent. However, if a  
16 parent has joint custody and the other parent has  
17 educational rights, that matter cannot be resolved without  
18 the input and approval of the non-filing parent.

19 **MS. MULHOLLEN:** Do you have a statute on that? I mean it may  
20 not -- sorry.

21 **MS. BEALL:** Well, I brought with me two OAH cases, which  
22 discuss the necessity of including the non-filing parent or  
23 the other parent who is the educational rights holder in  
24 the process and discuss the importance of not shutting the  
25 other parent out of the process, both at the OAH level and  
26 at, you know, certainly the IEP level. And I would argue  
27 that -- I mean my analysis is that both parents who are  
28 educational rights holders have a right, under the IDEA, to

1 participate in the special education process, which  
2 includes the due process hearing procedure. And ultimately,  
3 at the end of the day, if you were to go to hearing or  
4 settle the case, any agreements reached or any orders by  
5 OAH would still be subject to either the agreement of the  
6 other parent or the Family Law Court. And there are other  
7 citations. In fact, I brought a 2005 case which cites to a  
8 Federal case on that issue because, ultimately, you have  
9 the intersection of family law and special education law.

10 **PRESIDING JUDGE KOPEC:** Would you like to make a -- propose  
11 a recommendation along those lines?

12 **MS. BEALL:** I would. I would like to propose that on the  
13 fillable forms that where it says your request must be sent  
14 to all of the parties you've identified and a copy provided  
15 to Office of Administrative Hearings, that some language be  
16 included that, if the parent shares joint custody of the  
17 child who's the subject of the request, that they also  
18 serve that request on the non-filing parent.

19 **PRESIDING JUDGE KOPEC:** Okay. And do we have a second?  
20 Anybody wish to second this item for further discussion?  
21 Anyone in Northern California?

22 **MS. VILLARREAL:** I'll second it.

23 **PRESIDING JUDGE KOPEC:** Okay. And it is seconded by Ms.  
24 Villarreal. Okay. Ms. Mulhollen had a comment. Any further  
25 discussion?

26 **MS. MULHOLLEN:** I'm not disagreeing with the premise of  
27 that. I just had it come up recently. And I can't find any  
28 law that makes that correct. And actually, most of the time

1 it gets interpreted by the districts as they only need  
2 consent of one parent in order to like implement the IEP or  
3 a settlement agreement or anything. So I think it's a good  
4 idea. I just don't know that there's a legal basis for it.

5 **PRESIDING JUDGE KOPEC:** Okay. And Mr. Ruderman?

6 **MR. RUDERMAN:** Yeah. Thank you. I agree with Valerie. I  
7 don't know that there's a legal basis for it. I actually  
8 think that before OAH embarks on that, that there should be  
9 some legal research into that. I do think it's an ongoing  
10 and increasingly sticky legal issue that I know, from our  
11 side of the bar, we have to deal with on many occasions and  
12 I think districts as well. I see districts handle it  
13 differently in settlements. I have ongoing cases right now  
14 where it's an issue. I've had it be an issue where a  
15 parent's out of state. And then you have different  
16 jurisdictions involved. And so I think it's a very, very  
17 complex issue. You also have issues where a parent may be  
18 concerned about the violence of a spouse in notifying that  
19 spouse. So I'm concerned about that as well. I would be  
20 careful and cautious in how we proceed this way. I do know  
21 that the California Department of Education on compliance  
22 complaints -- because I've used the compliance route on  
23 some of these sticky cases, rather than a due process route  
24 -- does not have a requirement of notifying the spouse or  
25 the ex-spouse. And so I know that from experience with  
26 that. So I would just advise caution in proceeding in this  
27 area. It's a very, very sticky area. And it's coming up,  
28 from my perspective, more and more, actually.

1 **PRESIDING JUDGE KOPEC:** Okay. Anyone else here in  
2 Sacramento? Okay, how about Southern California?

3 **PRESIDING JUDGE BREEN:** Okay, any committee members have a  
4 comment? Okay, no comments from committee members. And  
5 Judge Kopec, let me know if you're going to open it up to  
6 public comment.

7 **PRESIDING JUDGE KOPEC:** Okay. Judge Varma, any web comments?

8 **PRESIDING JUDGE VARMA:** No.

9 **PRESIDING JUDGE KOPEC:** And we don't have any public  
10 attendees here in Sacramento. So, Judge Breen, public  
11 comments in your office?

12 **PRESIDING JUDGE BREEN:** Yes. And ma'am, could I ask you to  
13 state your name and then let us know your comment.

14 **MS. BAJARAS:** Yeah, so my name's Maronel Bajaras. I'm a  
15 managing attorney with the Disability Rights Legal Center.  
16 And this is an issue, too, that I would sort of caution you  
17 really. Additional research would be necessary. We often  
18 represent low income families. And many times the spouse is  
19 either completely MIA, so there's no way to really locate  
20 them. Or sometimes incarcerated and don't have any active  
21 involvement with their children. So that would be an  
22 additional issue to consider.

23 **PRESIDING JUDGE BREEN:** Thank you. And it's Barajas?

24 **MS. BARAJAS:** Yes.

25 **PRESIDING JUDGE BREEN:** Yes. Thank you.

26 **PRESIDING JUDGE KOPEC:** Anything further?

27 **PRESIDING JUDGE BREEN:** No other comments from Southern  
28 California.

1       **PRESIDING JUDGE KOPEC:** Okay.

2       **MS. BEALL:** So I'll just make two additional comments.

3       **PRESIDING JUDGE KOPEC:** Okay.

4       **MS. BEALL:** Okay. I do have two cites, citations if OAH  
5 would like to do further research on this issue. If not,  
6 that's fine.

7       **PRESIDING JUDGE KOPEC:** No, we, obviously, before we develop  
8 any of our policies, we do --

9       **MS. BEALL:** Correct.

10       **PRESIDING JUDGE KOPEC:** -- take a look and do research to  
11 help us formulate the policies. And once we decide to  
12 provide anything in our manual or information, you know,  
13 facts, we do that. So I think what I'd like to do, unless  
14 there are other -- if the committee members would like to  
15 hear the citations, what I was going to suggest is that,  
16 either during a break or when we conclude, I'd be more than  
17 happy -- I would be interested in getting that information.  
18 So would any of the committee members like Ms. Beall to  
19 provide that information during the meeting?

20       **MR. RUDERMAN:** I'd like her to give me a copy of it as well.

21       **PRESIDING JUDGE KOPEC:** Okay.

22       **MS. BEALL:** Sure.

23       **PRESIDING JUDGE KOPEC:** Okay. Anyone else? In Southern  
24 California? No? Okay. So let's go ahead and vote. And in  
25 order to make sure that we do have a complete roll call on  
26 the record, what I would like to do is when I ask for the  
27 votes in favor, against and abstain, I would like each of  
28 the members to indicate the vote that they have on this

1 recommendation. So let's start in --

2 **FEMALE COMMITTEE MEMBER:** Can you state the recommendation,  
3 please?

4 **MR. RUDERMAN:** Yes, I was --

5 **PRESIDING JUDGE KOPEC:** Okay. Actually, Ms. Beall, although  
6 usually I try to give a stab at it, I think you were very  
7 clear about your recommendation. So if you don't mind, if  
8 you want to remind us all? Or if not, I can make a stab at  
9 it.

10 **MS. BEALL:** No, that's fine. So in reviewing the fillable  
11 form, the instructions that come with the fillable form, it  
12 states your request must be sent to all -- and it's bold  
13 and underlined -- of the parties you have identified and a  
14 copy provided to the Office of Administrative Hearings. My  
15 proposal was to add language that if the person filing the  
16 request share joint custody of the child who is the subject  
17 of the request with another parent that they would be  
18 instructed to serve that request on the other parent.

19 **PRESIDING JUDGE KOPEC:** Okay. Everyone --

20 **MS. BEALL:** Just by way of reference outside of the IDEA  
21 process, in California -- and actually, I have a -- a child  
22 can't even get a permit without both parents signing the  
23 form if they share joint custody. You cannot get a passport  
24 unless both parents who share joint custody sign and  
25 notarize the form. Just some analogies to some other -- and  
26 that's because under the Family Code -- I believe it's  
27 section 3003 -- parents who share joint legal custody must  
28 participate and equally make decisions regarding education,

1 health and welfare of the child.

2 **MR. RUDERMAN:** Can we move to amend that?

3 **PRESIDING JUDGE KOPEC:** Yeah.

4 **MR. RUDERMAN:** I would move, if I can.

5 **PRESIDING JUDGE KOPEC:** Well, what we have done is, if the  
6 person presenting the recommendation agrees to the  
7 amendment, we would allow that to be amended. And then we  
8 vote on that. If not, we'll vote on the original  
9 recommendation. And if the person making the amendment  
10 wishes to propose it as an alternative or as an additional  
11 recommendation, we would do that. So.

12 **MR. RUDERMAN:** Well, I would move to amend to do research on  
13 the issue, rather than make a decision one way or the  
14 other.

15 **PRESIDING JUDGE KOPEC:** So is the recommendation to just do  
16 research or is it --

17 **MR. RUDERMAN:** Yes. And bring it up as an agenda item at the  
18 next meeting.

19 **FEMALE COMMITTEE MEMBER:** Yes.

20 **FEMALE COMMITTEE MEMBER:** Yeah.

21 **PRESIDING JUDGE KOPEC:** Okay.

22 **FEMALE COMMITTEE MEMBER:** I would agree with that right --

23 **PRESIDING JUDGE KOPEC:** Ms. Beall, it sounds to me that,  
24 rather than amendment, it's a new recommendation. Or I  
25 guess I'll ask Ms. Beall. Do you agree to have that be the  
26 recommendation?

27 **MS. BEALL:** Yes, I do.

28 **PRESIDING JUDGE KOPEC:** Okay. So Mr. Ruderman, I'm going to

1 ask that you repeat the recommendation for all of us.

2 **MR. RUDERMAN:** That we research the issue of joint custody  
3 of a student and the legal requirements vis-à-vis the  
4 respective parents.

5 **PRESIDING JUDGE KOPEC:** And the --

6 **MR. RUDERMAN:** And in terms of providing notice of a special  
7 ed due process hearing.

8 **PRESIDING JUDGE KOPEC:** And then do I understand to be and  
9 then report that back to the board? I mean report that back  
10 to the committee --

11 **MR. RUDERMAN:** Yes.

12 **PRESIDING JUDGE KOPEC:** -- before taking any action on it or  
13 --

14 **MR. RUDERMAN:** Right, for the next meeting.

15 **PRESIDING JUDGE KOPEC:** Okay. All right. I guess what I'd  
16 like to know, since this is a significantly different  
17 focus, is there a second for this concept of amending.

18 **MS. HOLSINGER:** Yeah --

19 **FEMALE COMMITTEE MEMBER:** I'll second.

20 **MS. HOLSINGER:** -- I'll second.

21 **FEMALE COMMITTEE MEMBER:** I'll second.

22 **PRESIDING JUDGE KOPEC:** Okay. So, officially -- okay, Ms.  
23 Holsinger has seconded that. And then what I'd like to do  
24 is open it up to discussion, further discussion, if any, by  
25 the committee members here in Northern California? Any  
26 additional comments?

27 **MS. VILLARREAL:** Perhaps part of the consideration when  
28 doing the research is whether we could include the

1 language, but also include an opportunity for a parent to  
2 indicate why they were either unable to serve or not  
3 willing to serve and provide a basis for that.

4 **PRESIDING JUDGE KOPEC:** So that would be part of the  
5 research as well?

6 **MS. VILLARREAL:** I think so.

7 **PRESIDING JUDGE KOPEC:** Mr. Ruderman, do you agree to modify  
8 it in that regard?

9 **MR. RUDERMAN:** I'm not sure.

10 **PRESIDING JUDGE KOPEC:** All right, so.

11 **MR. RUDERMAN:** I think any and all aspects of problems,  
12 including out-of-state spouses, incarcerated spouses, it  
13 becomes very complex.

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

15 **MR. RUDERMAN:** Incompetent spouses. You've got a whole --

16 **FEMALE COMMITTEE MEMBER:** Fifty-one --

17 **MR. RUDERMAN:** -- range of issues that --

18 **FEMALE COMMITTEE MEMBER:** -- versus 49. I mean --

19 **MR. RUDERMAN:** What's that?

20 **FEMALE COMMITTEE MEMBER:** 59 versus -- I mean --

21 **FEMALE COMMITTEE MEMBER:** Oh, yeah.

22 **FEMALE COMMITTEE MEMBER:** -- 51 versus 49 --

23 **FEMALE COMMITTEE MEMBER:** The custody part, yeah.

24 **FEMALE COMMITTEE MEMBER:** -- what is joint? Is that 50/50  
25 only? Or are you --

26 **PRESIDING JUDGE KOPEC:** No --

27 **FEMALE COMMITTEE MEMBER:** -- saying --

28 **PRESIDING JUDGE KOPEC:** -- well, okay, okay.

1 **FEMALE COMMITTEE MEMBER:** -- I mean --

2 **PRESIDING JUDGE KOPEC:** -- I'll propose something. This is a  
3 little out of the ordinary, but in terms of the  
4 recommendation to -- that OAH should research all issues of  
5 joint custody educational rights and the impact, if any, on  
6 filing parties to serve both parents. Is that the gist of  
7 it?

8 **MR. RUDERMAN:** I think that's the gist of it.

9 **PRESIDING JUDGE KOPEC:** Okay. Any further discussion in  
10 Northern California? Okay, how about Southern California?

11 **PRESIDING JUDGE BREEN:** Discussion? Anyone? No further  
12 comments.

13 **PRESIDING JUDGE KOPEC:** Okay. So let's go ahead and have a  
14 vote in Northern California. Those members who support this  
15 recommendation, will you please state your name and  
16 indicate your support?

17 **MS. VILLARREAL:** Colleen Villarreal, in favor.

18 **MS. FATTIG:** Mindy Fattig, in favor.

19 **MR. RUDERMAN:** Rick Ruderman, yes.

20 **PRESIDING JUDGE KOPEC:** Anyone else?

21 **MS. BEALL:** Diane Beall, in favor.

22 **MS. MULHOLLEN:** Valerie Mulhollen, in favor.

23 **MS. MATES:** Karen Mates, in favor.

24 **MS. HOLSINGER:** Judy Holsinger, in favor.

25 **PRESIDING JUDGE KOPEC:** All right. And in Southern  
26 California -- well, so anyone opposed? No? And anyone  
27 abstaining? Oh, no. Okay. And in the Southern California?

28 **PRESIDING JUDGE BREEN:** Okay, we'll start again on my left

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with -- now with Ms. Zambrano.

**MS. ZAMBRANO:** Oh, thank you. In favor.

**MS. HATCH:** Melissa Hatch, opposed.

**PRESIDING JUDGE KOPEC:** Okay, let's take one at a time, if you don't mind. So those members who are in favor, please --

**PRESIDING JUDGE BREEN:** Oh.

**PRESIDING JUDGE KOPEC:** -- indicate your name and your vote. And then I'll ask for those opposed and anyone abstaining. So Ms. Zambrano, you are in favor; is that correct?

**MS. ZAMBRANO:** Yes.

**PRESIDING JUDGE KOPEC:** Okay.

**PRESIDING JUDGE BREEN:** Okay. And going in order, anyone in favor?

**MS. ADAMS:** Margaret Adams, in favor.

**MR. GERMAN:** David German, in favor.

**MR. ALYSSI:** Rick Alyssi, in favor.

**MS. YOUNG:** Sara Young, in favor.

**MS. SALTZMAN:** Saltzman, in favor.

**MS. WEST-HERNANDEZ:** Paula West-Hernandez, in favor.

**PRESIDING JUDGE BREEN:** Ms. Hatch?

**MS. HATCH:** Melissa Hatch, opposed.

**PRESIDING JUDGE BREEN:** Thank you.

**PRESIDING JUDGE KOPEC:** Any other opposition?

**PRESIDING JUDGE BREEN:** No, that --

**PRESIDING JUDGE KOPEC:** Any abstentions?

**PRESIDING JUDGE BREEN:** -- no, that's all of the present committee members have voted.

1       **PRESIDING JUDGE KOPEC:** Okay. And it looks like that  
2       recommendation has been approved by the committee. Are  
3       there any other proposed recommendations on this issue? In  
4       Southern California?

5       **PRESIDING JUDGE BREEN:** No further recommendations.

6       **PRESIDING JUDGE KOPEC:** Okay. The next item -- and I believe  
7       we are now on 3C -- has to do with requests for reasonable  
8       accommodation and accessibility for mediations, for all of  
9       our events, mediations, prehearing conferences and due  
10      process hearings. And I just want to indicate that the  
11      Office of Administrative Hearings is committed to full  
12      compliance with State and Federal law concerning reasonable  
13      accommodation and the accessibility to participants and  
14      those interested in participating in our events, that we  
15      are committed to ensuring that all the mediations,  
16      prehearing conferences and hearings do comply with the  
17      State and Federal laws. We have information on our website  
18      that indicates the process by which one goes forward and  
19      requests reasonable accommodation. We ask for special ed  
20      cases that those requests can be made either through the  
21      assigned calendar clerk, who has the case, or we do have an  
22      ADA Coordinator. And information about the ADA Coordinator  
23      is on the website. For special education the phone number  
24      would be our general number, which is (916) 263-0880. And  
25      also I want to give you the email address. It's also on the  
26      information on the website. But that is oahada@dgs.ca.gov.

27      **MR. RUDERMAN:** I have a question.

28      **PRESIDING JUDGE KOPEC:** We -- (inaudible)

1 **MR. RUDERMAN:** Yeah, go ahead.

2 **PRESIDING JUDGE KOPEC:** We are providing additional  
3 information in terms of including in our scheduling order  
4 and including in our prehearing conference order the same  
5 information, both that we do comply and that we explain the  
6 process if anyone wishes to request a reasonable  
7 accommodation. We are also looking at other processes and  
8 procedures to ensure that we are complying with the law and  
9 that all of our calendar events comply with the law as  
10 well. So Mr. Ruderman?

11 **MR. RUDERMAN:** The question is: So in this area, for  
12 example, if you have -- if you need like a sign language  
13 interpreter, that would go through that. But what about the  
14 process if you needed an interpreter of a foreign language?  
15 Is that a category?

16 **PRESIDING JUDGE KOPEC:** Actually, that's a very good point.  
17 And I should've clarified this. As we currently do, in  
18 terms of language interpreters for any language, including  
19 American Sign Language, that does not need to go through  
20 the ADA process. I believe on our form we ask the filing  
21 party whether there is a need. It's something that we also  
22 ask for and discuss at prehearing conferences. But again, I  
23 think in that instance all you need to do is contact the  
24 calendar clerk as soon as possible, particularly with  
25 American Sign Language interpreters just because there are  
26 so few of them that if we could have as much notice as  
27 possible and also because they need at least two  
28 interpreters for any event. So that doesn't need to go

1 through the ADA Coordinator. If there is additional  
2 accommodation, for example, if a CART is requested in terms  
3 of real time translation, that would best be handled  
4 through the ADA Coordinator. But again, your first point of  
5 contact should always be the calendar clerk. And then they  
6 will do what they can do to assist to make sure that that  
7 request is made and addressed and provided if that's the  
8 appropriate thing to do. So thank you very much for that  
9 clarification.

10 **MR. RUDERMAN:** Thank you.

11 **FEMALE COMMITTEE MEMBER:** What about low tech  
12 accommodations, such as certain chairs or seating that  
13 participants may need? Whose responsibility is that?

14 **PRESIDING JUDGE KOPEC:** At this point, we are handling that  
15 also through the ADA process. But again, I think letting  
16 the calendar clerk know. We've also had individuals include  
17 this information, if they wish -- we're certainly not  
18 requiring it -- but on the initial filing. Otherwise, just  
19 go through the calendar. We know that there are issues of  
20 confidentiality that may apply. So I think as a point of  
21 contact, the calendar clerk should be able to handle -- to  
22 point it in the right direction so that we follow the  
23 proper process. Okay. Any other comments here in Northern  
24 California? In Southern California?

25 **PRESIDING JUDGE BREEN:** Any comments, starting with  
26 committee members? Okay, no comments from committee  
27 members.

28 **PRESIDING JUDGE KOPEC:** All right. Any recommendations? I

1 assume there is none? None in Northern California. In  
2 Southern California?

3 **PRESIDING JUDGE BREEN:** No recommendations.

4 **PRESIDING JUDGE KOPEC:** All right. Judge Varma, no web  
5 comments? In Southern California, do we have any public  
6 comments on this issue?

7 **PRESIDING JUDGE BREEN:** No, we do not.

8 **PRESIDING JUDGE KOPEC:** Okay. Great. Well, I think it's now  
9 just about 11:00 o'clock. I think this is a good point to  
10 break in our agenda. So let's take a 15-minute break and  
11 reconvene at 11:15. So let's go off the record.

12 **PRESIDING JUDGE BREEN:** Thank you, Judge Kopec.

13 **(Off the record.)**

14 **PRESIDING JUDGE KOPEC:** All right. Welcome back to the  
15 committee members and also to the public after our mid-  
16 morning break. Before we move on to the next item, I  
17 realized that I forgot a very important element of our  
18 discussion concerning reasonable accommodation and  
19 accessibility. As you know, for a very long time, OAH has  
20 scheduled the special education events at school district  
21 locations, subject to orders to change venue. And because  
22 we are counting on the school districts to provide  
23 locations, facilities, hearing rooms, mediation rooms that  
24 comply with State and Federal law, there will be an  
25 indication in the order -- the prehearing conference order  
26 that that is the expectation, that the school district  
27 will, in fact, provide a location for us that is legally  
28 compliant. And in that regard, we are looking to the school

1 district representative to indicate to us at the earliest  
2 possible moment whether that is a problem. If it is a  
3 problem, then we will have to go ahead and find alternative  
4 facilities. So that's a very important element of our being  
5 able to go forward. So I didn't want to overlook that. All  
6 right, moving on to the next item, I wanted to talk a bit  
7 about the filing of expedited cases and the filing of cases  
8 which we call dual cases, which are cases that include  
9 expedited issues and those cases that include issues that  
10 are not subject to an expedited hearing. And I know that we  
11 had talked about this. And I went, thinking that we had  
12 talked about it, oh, just a year or so ago and was  
13 surprised to find out that our last discussion of this for  
14 the committee was May of 2011. So once again, some issues  
15 have come up and I thought it's time that we talked about  
16 it again. The comments are primarily going to be addressed  
17 towards attorney-filed complaints in terms of expedited  
18 issues, whether it's a school district requesting an  
19 expedited hearing or whether it's a parent requesting that  
20 expedited issues be litigated. And that's because, you  
21 know, we certainly provide some additional leeway for  
22 parents. We do have information out there in terms of  
23 parents and non-attorney representatives. But in terms of  
24 some of the concerns and circumstances we've seen, this is  
25 addressed, for the most part, towards attorney-filed  
26 complaints. The complaint needs to identify whether the  
27 party -- the filing party -- intends to litigate an  
28 expedited issue. And this would be whether you file an

1 expedited only case where the only issue is challenging the  
2 disciplinary process or the district is seeking to follow  
3 the removal process or whether you include those issues  
4 along with regular, say ordinary FAPE or run-of-the-mill  
5 FAPE issues, whatever is not entitled to an expedited  
6 hearing. And as you can imagine, because of the shortened  
7 timeframes for us to schedule an expedited hearing and  
8 conduct an expedited hearing and get the decision out, it  
9 is absolutely crucial that these issues be identified  
10 properly. Because failing to do that, if I don't catch it  
11 or I'm not asked to review a complaint, can really hinder  
12 the compliance with the timelines. The way we currently  
13 operate is staff are trained to look at every complaint.  
14 They are given guidelines in terms of what types of  
15 allegations or facts could give rise to an expedited  
16 hearing. And then they send it to me. And then I take a  
17 look and then I make the final decision. Very often the  
18 complaint either alleges issues that are expedited, but  
19 does not identify those either in the caption or in the  
20 issues statement, or we have the opposite problem, which is  
21 we have a complaint coming in that indicates it's a request  
22 for an expedited hearing when there are no expedited  
23 issues. And my assumption is, when that happens, what, in  
24 essence, the filing party is asking for is, OAH, please  
25 have this hearing as soon as possible. So there's a Federal  
26 law which governs this -- the State law just piggybacks on  
27 the Federal law -- is -- again, I'm not quoting precisely,  
28 but just as an overview -- that if there's a disagreement

1 with the disciplinary process, by the parent, for example,  
2 if they disagree -- and I'm calling a disciplinary  
3 placement -- that's not what the law uses, but that's what  
4 I'm going to call it -- the placement to which they want to  
5 remove the child as a result of the violation of the code  
6 of conduct. Or if the parent disagrees, either with the  
7 decision in terms of the manifestation determination  
8 meeting, or there wasn't one, or the manifestation  
9 determination process didn't comply with the law, or if the  
10 district needs to exercise its ability under the removal  
11 procedure. For example, if the current placement would  
12 likely result in harm to the child or others, possession of  
13 a weapon, possession of sale of drugs and all of that,  
14 again, as defined in the provisions. The hearing on  
15 expedited issues, we have to conduct the hearing within 20  
16 school days of the filing. And then we have to issue that  
17 decision within ten days. So even though the 45-day normal  
18 timeframe is quite speedy in terms of proceedings go, this  
19 is really on the fast track. What we have done, as I  
20 indicated in the past, we have had trained staff, have them  
21 identify allegations that could give rise to it. The  
22 Division PJ, I review that. I make the final determination.  
23 And if there is an issue alleged that is raising the issues  
24 I described that give rise to an expedited hearing, we have  
25 scheduled it for either an expedited hearing or given it a  
26 dual hearing. So you have expedited dates and non-expedited  
27 dates. In response to that over the last couple of years,  
28 we have -- I have heard from attorneys who are quite upset

1 that this is how we do it. There have been parties that  
2 file what they call motions to un-expedite. I'm not aware  
3 that we've received many of those recently. But the  
4 position has been the only way to, quote, un-expedite it is  
5 to withdraw or request dismissal of any issues that give  
6 rise to an expedited hearing. You know, the reasons for --  
7 you know, sometimes you have a student who is back in a  
8 normal placement, that the whole disciplinary process  
9 happened within the statute of limitations, but it's not  
10 currently pending. Or the party is very close to settling,  
11 either the expedited portion or the entire portion of it.  
12 And all of those, in terms of pragmatic reasons are very  
13 good reasons. But as long as those expedited issues are  
14 before us, we are required to follow the expedited process.  
15 What I have taken to doing lately is that when we get a  
16 case from -- that's filed by an attorney and it does not  
17 identify expedited issues, either in the caption or in the  
18 issue statement or somehow clearly indicating that that's  
19 what they want, I have called the filing attorney and asked  
20 the -- brought it to the attorney's attention and asked, do  
21 you intend to litigate these expedited issues? Ninety-nine-  
22 point-nine percent of the time the response is, yes, I do.  
23 And then I explain. It really is helpful if you clearly  
24 state it. Frankly, I started doing that because I assume  
25 that an attorney knows how to raise them. And if they  
26 don't, they're, in essence, not providing whatever the  
27 issue -- whatever the facts are about the disciplinary  
28 process. So that's kind of background. I've had one over --

1 and I think I've done this for at least the last six  
2 months. And there has only been one attorney who said, no,  
3 I have no intent to litigate it. I know how to raise those  
4 issues. Why are you asking? That's a little bit of an  
5 exaggeration. And I just explain, I just want to make sure  
6 and we did not expedite that case. So what I am wondering  
7 and what I thought about doing -- and I really want your  
8 input -- is basically going with the view that if it's  
9 filed by an attorney and if they do not expressly raise  
10 expedited issues, that we will not expedite that case. We  
11 will not schedule it for expedited hearing, mediation, and  
12 prehearing conference dates. We will schedule it on the  
13 regular track. So with that, I have not yet done that. I'm  
14 continuing to call folks on it. But I really would  
15 appreciate comments, suggestions, feedback, criticism,  
16 whatever. And Mr. Ruderman?

17 **MR. RUDERMAN:** Well, I would agree that that is a good  
18 approach. We've had cases where we filed. We did not intend  
19 to expedite. The classic example would be -- and we have  
20 cases existing, I think, even now -- where in the '13/'14  
21 school year, the student had a disciplinary action. The  
22 student was suspended more than ten days during the school  
23 year. We pointed that out in our complaint. We pointed out  
24 there was no manifestation determination. And in some cases  
25 the student doesn't even come back to school, but it may be  
26 for other reasons, like the parent didn't want to send the  
27 kid back to school. And then the kid's back in school in  
28 the '14/'15 school year. And we're alleging FAPE denials

1 all over the place. But we're also alleging procedural  
2 violations for no manifestation determination. And I want  
3 to litigate that issue. But I don't need to litigate it on  
4 an expedited basis because the student's back in school.  
5 And we've had OAH make those expedited cases. And we had no  
6 intent for those to be expedited cases.

7 **PRESIDING JUDGE KOPEC:** But if you are litigating the  
8 failure to provide -- to follow the manifestation  
9 determination process, that's an issue that gives rise to  
10 an expedited hearing.

11 **MR. RUDERMAN:** But I think the intent of the statute is to  
12 get the student's educational program resolved as quickly  
13 as possible or back in school as quickly as possible. And  
14 that's already happened. So we don't see it as an expedited  
15 issue because the student may be back in school. And that's  
16 our biggest concern.

17 **PRESIDING JUDGE KOPEC:** Yeah. Well, again, I certainly would  
18 welcome research. I mean I've looked at this multiple  
19 times. And that's why I indicated in terms of the context  
20 of un-expediting, the argument or the view is that the  
21 student -- the whole disciplinary process has run its  
22 course and that, you know, the child is back wherever the  
23 child is. There may be ongoing disputes, but they blew it  
24 during the disciplinary process. There's no immediate need  
25 for immediacy. But in my reading of the statute, the regs,  
26 the comments, all of that, I just -- if this issue is  
27 raised, you get the expedited hearing. And that's the  
28 position we've taken. And so in that instance, what my

1 proposal would be, if that is not raised, you know, we want  
2 an expedited hearing to discuss this challenge to the  
3 manifestation determination process. We wouldn't expedite  
4 the case. And the question remains whether the expedited  
5 issues remain to be litigated. But again, I just want to  
6 make sure we're all on the same page.

7 **MR. RUDERMAN:** Well, see, I see that more as a very  
8 significant procedural violation to not hold a  
9 manifestation determination meeting. But that's a little  
10 different than if they actually held it and said it was not  
11 a manifestation of the disability and we were challenging  
12 that. And so the context of the cases I'm knowing we have  
13 been ordered to expedite where we had no intent to expedite  
14 or once where there was no manifestation determination IEP  
15 even held and we challenged that, the fact that that didn't  
16 occur. And I think it's a very legitimate legal question.

17 **PRESIDING JUDGE KOPEC:** Again, I really don't want to go  
18 into, you know, any specific case.

19 **MR. RUDERMAN:** Right.

20 **PRESIDING JUDGE KOPEC:** But if it's given as background and  
21 there's no intent to litigate, either they didn't have the  
22 manifestation determination when they shouldn't [sic] -- I  
23 mean when they should have. Or they tried to do it, but  
24 procedurally they screwed up, the challenge about where  
25 they wanted to put the kid or if it's after the fact, where  
26 they put the kid wasn't legally sufficient under the law.  
27 Those are all issues that give rise to an expedited  
28 hearing. And if those are in the complaint, what I'm

1 proposing, they may in the complaint, but we're not going  
2 to treat them as issues that are litigated as expedited  
3 issues.

4 **MR. RUDERMAN:** Yeah, and I think --

5 **PRESIDING JUDGE KOPEC:** So --

6 **MR. RUDERMAN:** -- and I agree with that. Unless we request  
7 it --

8 **FEMALE COMMITTEE MEMBER:** Unless it's specifically stated.

9 **PRESIDING JUDGE KOPEC:** Right.

10 **FEMALE COMMITTEE MEMBER:** Yeah.

11 **PRESIDING JUDGE KOPEC:** The question that I'm getting into  
12 because it's, I think, a different question is if, in fact,  
13 you include those issues -- say, they didn't hold a  
14 manifestation determination when the student was entitled  
15 to one. And you do not say this is an expedited claim,  
16 whether that issue can be litigated in the connection of a  
17 regular filing. And you know, but I'm just saying that's up  
18 to be -- that needs to be decided. So at least my view --  
19 what we're talking about is we're not going to expedite it.  
20 We're not going to give you your hearing on the fast track.  
21 And then at least a preliminary issue for the purpose of  
22 going forward is whether those challenges to the  
23 disciplinary process are appropriately before OAH. So. Any  
24 other comment or feedback? Yeah?

25 **FEMALE COMMITTEE MEMBER:** I have to say I haven't researched  
26 this in a long time. So does the law currently say if it's  
27 a -- does the law say if it's a manifestation determination  
28 issue, that that is automatically an expedited hearing?

1       **PRESIDING JUDGE KOPEC:** Yeah.

2       **FEMALE COMMITTEE MEMBER:** Okay.

3       **PRESIDING JUDGE KOPEC:** Take a look at 20 USC section  
4       1415(k) (3), identifies the issues that get an expedited  
5       hearing. And then the timing of it is in 20 USC  
6       1415(k) (4) (B). And I believe the way that -- and that talks  
7       about the hearing has to occur within 20 days of the  
8       filing. And the decision has to be within ten. And if I  
9       remember correctly, the hearing -- (k) (4) (B) basically says  
10      if you're appealing issues in 1415(k) (3), then the timing  
11      of the 20 days to have the hearing and the ten days for the  
12      decision apply.

13      **FEMALE COMMITTEE MEMBER:** I have a question.

14      **PRESIDING JUDGE KOPEC:** Yeah.

15      **FEMALE COMMITTEE MEMBER:** Does the doctrine of mootness  
16      apply in these situations where, you know, as Rick brought  
17      up, maybe it happened a year ago. So he's looking at it in  
18      the context of procedural violation as opposed to an issue  
19      that under the sections has to be expedited because it's a  
20      -- you know, a current matter of controversy as opposed to  
21      an issue is now moot because the child's back to --

22      **PRESIDING JUDGE KOPEC:** Well, I mean it sounds to me that  
23      it's currently an -- I mean it could be an argument whether  
24      the argument has merit or whether the concept even --  
25      principle even applies. I'm not going to weigh in on that.

26      **FEMALE COMMITTEE MEMBER:** And maybe I'm misinterpreting what  
27      you were saying. But I understood you to say that your idea  
28      was that you -- if an attorney is filing it and they have

1 made this decision that they don't want the expedited  
2 process, that you will just go with the attorney's -- how  
3 the attorney has framed the issues. Am I understanding that  
4 correctly?

5 **PRESIDING JUDGE KOPEC:** Yes.

6 **FEMALE COMMITTEE MEMBER:** Okay.

7 **PRESIDING JUDGE KOPEC:** In that sense, I guess, the theory  
8 would be that, you know, under these Federal provisions, a  
9 student is entitled to these protections. Under the appeal  
10 provisions, if the student appeals these issues, they are  
11 entitled to a very quick resolution. And if those are not  
12 identified as these are the issues we want to litigate  
13 under the disciplinary provisions and we want the expedited  
14 process, then I guess, in essence, the theory would be that  
15 they've waived their right to do so, whether it's mootness  
16 or waiver or something else.

17 **MR. RUDERMAN:** Well, I am concerned about that because I'd  
18 want to raise those issues. So I don't want to waive my  
19 issues.

20 **PRESIDING JUDGE KOPEC:** Well, again, Mr. Ruderman, that, to  
21 me, is the next step in terms of if we do take this view  
22 that you don't ask for them or you don't -- if you don't  
23 identify them as expedited issues under the Federal law  
24 getting the fast track, then we will treat -- we will just  
25 go forward with the regular case and file it. As I  
26 indicated, there would be an issue, I believe, at the  
27 prehearing conference as to whether those challenges to the  
28 disciplinary process are before OAH during what I'm calling

1 a regular hearing. And by raising that question, I'm not  
2 saying yes or no. But I do see it as a legal issue. So.  
3 Anyway. Any other comments? Southern California?

4 **PRESIDING JUDGE BREEN:** Committee members, any comments? Ms.  
5 Adams?

6 **MS. ADAMS:** Just a question. How would you handle it when  
7 parents filed the complaints? Is it assuming -- are you  
8 contacting the parents right now?

9 **PRESIDING JUDGE KOPEC:** I'm not. What I am doing with the  
10 parent filed complaint is I'm following the process that if  
11 I look at it and it appears to be there's an issue that's  
12 entitled to an expedited hearing is raised, then we are  
13 scheduling it for both expedited and non-expedited dates.  
14 And then that would be an issue that is always talked  
15 about, would be in the prehearing conference at the time  
16 for the expedited portion or the issue would be raised  
17 perhaps by the school district in terms of a motion perhaps  
18 to indicate that these aren't ripe or they're not  
19 appropriately expedited or whatever. But we're giving the  
20 benefit of the doubt because, obviously, having a right to  
21 an expedited hearing is a crucial right. And we want to  
22 make sure that we provide that opportunity. And then we can  
23 -- if it turns out that my broader view of that pleading  
24 was not what was intended or the parent is really concerned  
25 about the FAPE issue or whatever it happens to be, we'll  
26 resolve that at a later point. The key is to get that  
27 matter on the calendar as an expedited case. So that's a  
28 great question. Any other comments? Any --

1       **PRESIDING JUDGE BREEN:** None from Southern --

2       **PRESIDING JUDGE KOPEC:** And recommendations?

3       **PRESIDING JUDGE BREEN:** -- California.

4       **PRESIDING JUDGE KOPEC:** In Northern California? Or Southern  
5 California?

6       **PRESIDING JUDGE BREEN:** No recommendations.

7       **PRESIDING JUDGE KOPEC:** Any public comment in Southern  
8 California?

9       **PRESIDING JUDGE BREEN:** No public comments.

10       **PRESIDING JUDGE KOPEC:** And no web comments. All right.

11 Well, thank you very much. The next item is -- and I  
12 believe this is the last item -- substantive item on the  
13 agenda -- is I believe the last couple meetings I've  
14 indicated that we have once again started to do outreach  
15 presentations. And I wanted to give you an update on that.  
16 We are focusing currently on working with -- we've been  
17 working with the Area Boards and also parent advocacy or  
18 parent oriented groups. The priority that we felt we wanted  
19 to address, at least as we once again started the outreach  
20 program, is to provide information to parents and  
21 advocates, just to get the information out. You know, a lot  
22 of the information we have on our website is just trying to  
23 provide basic information. And I also mention this to the  
24 SELPA, statewide SELPA organization, because I know there  
25 are SELPA's that also have programs over the year that are  
26 oriented towards providing basic information. I haven't yet  
27 received any requests from SELPA's. But the next time I'm  
28 asking to give them an update about our cases and I'll

1 certainly do that. So I just wanted to let you know, since  
2 our last meeting in April 2014, we have -- in both Northern  
3 and Southern California, we have provided a total of 14  
4 outreach presentations. And these are usually two-hour  
5 presentations. Thirteen of those were in -- were sponsored  
6 by Area Boards. And one was a parent-focused group. We  
7 currently have three Area Board presentations scheduled.  
8 And one of those is a parent-run advocacy group. So again,  
9 I wanted to let you know that we're doing this. We are  
10 interested in providing as much statewide coverage as we  
11 can within our budgetary constrictions. We know,  
12 unfortunately, one of the huge needs is in more remote  
13 areas. But in terms of resources and time, we do need to  
14 balance the ability to get there efficiently. And so we are  
15 aware of that need. And this point there have been, I  
16 believe, at least one request that we were not able to  
17 fulfill because it was in a very remote area of the state.  
18 So any comments or questions here in Northern California?  
19 **FEMALE COMMITTEE MEMBER:** I'd like to touch base with you  
20 after the meeting to coordinate a SELPA presentation.  
21 **PRESIDING JUDGE KOPEC:** Oh, great. Terrific. Good to hear.  
22 Southern California?  
23 **PRESIDING JUDGE BREEN:** Yes. And Ms. Zambrano had a comment.  
24 **PRESIDING JUDGE KOPEC:** Okay.  
25 **PRESIDING JUDGE BREEN:** Or a question.  
26 **MS. ZAMBRANO:** Is this information posted on the website? Or  
27 where is that presentation is going to be happening or the  
28 dates for all the parents?

1       **PRESIDING JUDGE KOPEC:** They haven't currently. As of now  
2 they haven't been posted on the website. But that is  
3 something that we really do want to do. To be honest, some  
4 of them are scheduled and happen pretty quickly. But we do  
5 want to -- the intention is always to get that information  
6 on the website. And I should indicate that if you want to  
7 arrange for a presentation for your group or organization,  
8 please contact me or Tim Dean, who has been the contact for  
9 a lot of the advisory committee mailings. The other way to  
10 do it is that you can submit -- we have a Contact Us email  
11 feature on the website. And you can certainly submit that,  
12 indicate you want to arrange for an outreach presentation.  
13 That will get to me. And then we will take it forward. The  
14 presentations have been done generally by one of the  
15 Presiding Administrative Law Judges in the region, along  
16 with the Administrative Law Judges. And at least so far  
17 we've received some very positive feedback. So, yeah. Does  
18 that answer your question, Ms. Zambrano?

19       **MS. ZAMBRANO:** Yes. But I want --

20       **PRESIDING JUDGE KOPEC:** Okay. Okay.

21       **MS. ZAMBRANO:** I actually participated on the one -- the  
22 Area Board 11 presented --

23       **PRESIDING JUDGE BREEN:** Oh, good.

24       **MS. ZAMBRANO:** -- and you were one of the --

25       **PRESIDING JUDGE KOPEC:** Great.

26       **MS. ZAMBRANO:** -- (inaudible) presented that one. And those  
27 presentations can be provided in different languages, like  
28 in Spanish or for Spanish-speaking support groups or --

1 **PRESIDING JUDGE KOPEC:** That is a great --

2 **MS. ZAMBRANO:** -- (inaudible)?

3 **PRESIDING JUDGE KOPEC:** -- yeah. Judge Breen, you've  
4 recently had experience. And actually, Judge Castillo has  
5 -- can speak to that as to one of our upcoming outreach  
6 programs.

7 **PRESIDING JUDGE BREEN:** Yeah, I also wanted to clarify --  
8 and this goes to Ms. Zambrano's question about whether we  
9 posted these events or not. We're not the sponsoring entity  
10 for the events. So the Area Board sponsored the event and  
11 had us speak. Same thing with the parent groups we've  
12 worked with. It's their event. I just show up and speak.  
13 They publish it. They do all that stuff and arrange for the  
14 hall. We don't really do that. So it's not like we're  
15 hosting the event here, for example. So that's why like  
16 with the Area Board you saw me where? At Whittier Law  
17 School?

18 **MS. ZAMBRANO:** Yeah.

19 **PRESIDING JUDGE BREEN:** Yeah, Whittier. Okay. So yeah, and  
20 with those we've have the organizing organizations have --

21 **MS. ZAMBRANO:** Yes, have translation.

22 **PRESIDING JUDGE BREEN:** -- interpretation. You know, I  
23 recently did one where the majority of the audience was  
24 Spanish-speaking. We've tried, and Judge Castillo and one  
25 of our other judges, Judge Lepkowsky, feel comfortable  
26 conducting in Spanish; correct?

27 **PRESIDING JUDGE CASTILLO:** Well, Judge Lepkowsky is  
28 bilingual. Yeah.

1       **PRESIDING JUDGE BREEN:** Judge Lepkowsky does.

2       **PRESIDING JUDGE CASTILLO:** Yeah, the Latino is not.

3       **PRESIDING JUDGE BREEN:** Yeah. So Judge Castillo is begging  
4 off of that -- my estimation of his language skills. But we  
5 have started -- we've arranged a couple of events that were  
6 going to be Spanish only.

7       **MS. ZAMBRANO:** Okay.

8       **PRESIDING JUDGE BREEN:** Just depending on the needs of the  
9 group that contacted us. So, you know, for a general event,  
10 we would have interpretation services. At the event you  
11 attended there was also Japanese.

12       **MS. ZAMBRANO:** Yes, yes.

13       **PRESIDING JUDGE BREEN:** So there --

14       **MS. ZAMBRANO:** It was also Japanese.

15       **PRESIDING JUDGE BREEN:** -- we always make sure, just like  
16 with any other -- with any other event, whether, you know,  
17 someone needed American Sign Language, there'd always be  
18 language interpretation for access or any other access  
19 needs.

20       **MS. ZAMBRANO:** Okay.

21       **PRESIDING JUDGE BREEN:** And Ms. West-Hernandez had a  
22 comment.

23       **MS. WEST-HERNANDEZ:** I have a question, actually. Thank you.  
24 My question is, do we contact the agency that is the  
25 invitation agency or do we contact OAH if we need  
26 information in other formats?

27       **PRESIDING JUDGE KOPEC:** As Judge Breen indicated in, for  
28 example, the Area Board presentations, they are the

1 sponsoring agency. Then the request should go to the  
2 sponsoring agency, the Area Board or the student advocacy  
3 group.

4 **MS. WEST-HERNANDEZ:** Thank you.

5 **PRESIDING JUDGE KOPEC:** Yeah. And then I just wanted to  
6 indicate the -- we are having the Spanish presentations  
7 with Judge Lepkowsky and Judge Castillo in Salinas and  
8 Soledad. So that's a very exciting opportunity as well, so.  
9 But if you have an interest or have -- are affiliated with  
10 an organization that has an interest, please contact us,  
11 whether by phone or through the Contract Us feature. Okay.

12 **MS. WEST-HERNANDEZ:** Thank you.

13 **PRESIDING JUDGE KOPEC:** Okay. Any other comments? Questions?  
14 Any public comments?

15 **PRESIDING JUDGE BREEN:** And we have some public comments in  
16 Southern California. Are you ready for those?

17 **PRESIDING JUDGE KOPEC:** Absolutely.

18 **PRESIDING JUDGE BREEN:** Okay, we'll start here. We'll start  
19 with the lady in the corner.

20 **FEMALE PUBLIC:** Do you have someone that (inaudible) --

21 **PRESIDING JUDGE KOPEC:** I'm sorry to interrupt. But if you  
22 could really speak up and maybe even get closer to the  
23 microphone? It's really hard for us to hear.

24 **PRESIDING JUDGE BREEN:** Do you mind, ma'am? Oh, they're on  
25 the --

26 **FEMALE PUBLIC:** I can speak up. I'm sorry. I have a  
27 playground voice. I'm asking if there is someone who can do  
28 Chinese -- trainings in Chinese?

1       **PRESIDING JUDGE BREEN:** And the question was whether  
2       trainings could be provided in one of the Chinese dialects.  
3       And do you want to take that one, Judge Kopec?  
4       **PRESIDING JUDGE KOPEC:** Actually, why don't you do that?  
5       **PRESIDING JUDGE BREEN:** Okay. And --  
6       **PRESIDING JUDGE KOPEC:** I mean I can do it. But you know --  
7       **PRESIDING JUDGE BREEN:** -- and the --  
8       **PRESIDING JUDGE KOPEC:** I don't want to hog the show here.  
9       **PRESIDING JUDGE BREEN:** And ma'am, the answer would be the  
10       same. Like we can't necessarily do -- we don't have, you  
11       know, necessarily a Mandarin or Cantonese ALJ that's going  
12       to come and be able to do the presentation. However, like  
13       we would for any hearing or mediation, you know, the  
14       interpreter services are always available. And we would  
15       make sure that if another organization was hosting this  
16       that they took care of those needs. I mean that's kind of  
17       one of the conditions under which we do this, is that the  
18       event is free and open to the public with accessibility.  
19       That's the condition under which we would speak at an  
20       outside group is if all those were met. And I always, in  
21       coordinating these, I make sure that they reach out. They  
22       make if there's any interpretation or access needs in  
23       advance. They generally have been good about doing that. So  
24       as I mentioned, like the presentation I had that Ms.  
25       Zambrano saw me at, interested members of the public  
26       contacted the Area Board and expressed what language  
27       interpretation they needed. All that was in place when we  
28       did the event. So you know, yes, you know, depending on the

1 who, what's and where's. Yeah, the interpretation could be  
2 provided. We'd make sure of it.

3 **FEMALE PUBLIC:** Thank you.

4 **PRESIDING JUDGE BREEN:** Oh, sure. And then we had another  
5 question and/or comment from Southern California, Ms.  
6 Youngblood.

7 **MS. YOUNGBLOOD:** Yeah. My name is (Inaudible) Youngblood. I  
8 just wanted to say that I also went to Area Board 11  
9 training that Judge Breen did. And it was excellent. It  
10 gave excellent information, valuable information to the  
11 public and to the parents so that things made sense for  
12 them and they don't make mistakes that you would normally  
13 make. I also would like to bring the presentation to my  
14 community by --

15 **PRESIDING JUDGE BREEN:** Sure.

16 **MS. YOUNGBLOOD:** -- (inaudible) Committee on Special  
17 Education. And I think that I mentioned that at the last  
18 meeting. That's another way to kind of collaborate with  
19 SELPA's because we're part of the governing structure of  
20 the SELPA. And one of the State mandates that we are  
21 required to do, a responsibility, is to educate the  
22 community. So this would be a great way to bring that in  
23 and get parents really knowledgeable on the next step, if  
24 it needs to be done, in order to get their children  
25 services. Thank you, Judge Breen.

26 **PRESIDING JUDGE BREEN:** Oh, sure.

27 **MS. YOUNGBLOOD:** I think I need to --

28 **PRESIDING JUDGE BREEN:** And yes, I did network with Ms.

1 Youngblood during the break. And she's on a SELPA advisory  
2 committee with her SELPA. So she's going to contact us as  
3 well to arrange for a presentation. So I thought that was  
4 good that, you know, a parent involved on a SELPA committee  
5 will get us in speaking to their SELPA group.

6 **PRESIDING JUDGE KOPEC:** That sounds great. That's really,  
7 really fabulous. So any other comments, recommendations?  
8 Northern California? All right. The final -- well,  
9 actually, not the final. Item 4 is this is an opportunity  
10 for members of the public to comment on any topics that  
11 have not already been covered on the agenda. So we have  
12 nothing on the web. Any additional comments in Southern  
13 California?

14 **PRESIDING JUDGE BREEN:** Okay. No other comments, no other  
15 public comments.

16 **PRESIDING JUDGE KOPEC:** All right. The final item is the  
17 proposed date for the next advisory committee meeting. And  
18 I am proposing Friday, April 10th, 2015. And at this point  
19 are there any concerns with that date or suggestions of  
20 other dates?

21 **MR. RUDERMAN:** Just got a comment that I just got a tech in  
22 my office who wanted to observe this and said that a link  
23 is not working.

24 **PRESIDING JUDGE KOPEC:** Oh.

25 **MR. RUDERMAN:** So I just thought I'd mention that.

26 **PRESIDING JUDGE KOPEC:** Oh, I appreciate that. We having  
27 technical problems?

28 **PRESIDING JUDGE BREEN:** In Southern California?

1       **PRESIDING JUDGE KOPEC:** No, I'm just --

2       **PRESIDING JUDGE BREEN:** Oh.

3       **PRESIDING JUDGE KOPEC:** Did you (inaudible) --

4       **PRESIDING JUDGE VARMA:** It's fine. It's fine.

5       **PRESIDING JUDGE KOPEC:** No?

6       **PRESIDING JUDGE VARMA:** It's working.

7       **PRESIDING JUDGE KOPEC:** It is working?

8       **PRESIDING JUDGE VARMA:** I have it up.

9       **MR. RUDERMAN:** Okay. Very good. So maybe it's the person

10      from my office who's having a problem then.

11      **PRESIDING JUDGE VARMA:** What problems?

12      **MR. RUDERMAN:** It just says I could not access the advisory

13      meeting online this time. The link in their website does

14      not work. And then letter N. So I'm getting that from -- I

15      don't know what he meant by that. But he just said the link

16      in the website does not work. (Inaudible)

17      **PRESIDING JUDGE VARMA:** I just went to -- from the link on

18      the website and it pulled up.

19      **MR. RUDERMAN:** Okay.

20      **PRESIDING JUDGE VARMA:** (Inaudible) --

21      **PRESIDING JUDGE KOPEC:** No, it's okay.

22      **PRESIDING JUDGE VARMA:** -- you can see it.

23      **MR. RUDERMAN:** He could be -- you're saying I'm not a

24      credible witness.

25      **PRESIDING JUDGE KOPEC:** No credible --

26      **PRESIDING JUDGE VARMA:** (Inaudible) credible --

27      **PRESIDING JUDGE KOPEC:** -- witnesses.

28      **MR. RUDERMAN:** What's that? What did he say?

1 **FEMALE COMMITTEE MEMBER:** You're an incredible witness.

2 **FEMALE COMMITTEE MEMBER:** Incredible.

3 **MR. RUDERMAN:** I'm just (inaudible)

4 **PRESIDING JUDGE BREEN:** Yeah.

5 **MALE COMMITTEE MEMBER:** It's online, yes.

6 **PRESIDING JUDGE VARMA:** No, I know.

7 **PRESIDING JUDGE BREEN:** We'll get there, guys.

8 **MALE COMMITTEE MEMBER:** Oh. Should I stay then?

9 **FEMALE COMMITTEE MEMBER:** Yeah.

10 **PRESIDING JUDGE KOPEC:** Well, what I was going to --

11 **MALE COMMITTEE MEMBER:** And I don't know what you're talking

12 about, but --

13 **PRESIDING JUDGE KOPEC:** -- saying ET speak. It's either user

14 or it's --

15 **FEMALE COMMITTEE MEMBER:** Yes.

16 **PRESIDING JUDGE KOPEC:** -- on your end. So. Anything else?

17 Any feedback in terms of the tentative date of April 10th?

18 **PRESIDING JUDGE BREEN:** And Judge Kopec, from Southern

19 California, two of the committee members from -- both

20 Orange County based -- have said that that is a spring

21 break time.

22 **FEMALE COMMITTEE MEMBER:** Oh, everything's a spring break.

23 **FEMALE COMMITTEE MEMBER:** Yeah.

24 **PRESIDING JUDGE KOPEC:** Well --

25 **FEMALE COMMITTEE MEMBER:** Yeah, it's -- so --

26 **PRESIDING JUDGE KOPEC:** -- does that mean that the members

27 would not be able to attend?

28 **MS. HOLSINGER:** Easter's on the 5th, so.

1       **PRESIDING JUDGE BREEN:** Yeah, and let's hear it, folks. I'll  
2       let the committee members speak for themselves. Is that a  
3       barrier to your attendance? In other words, do you object  
4       to the date or you just want to note that it's spring  
5       break? Do you want a different date?

6       **MS. SALTZMAN:** I don't object to the date. But I may not be  
7       available to be at an advisory committee meeting.

8       **PRESIDING JUDGE BREEN:** Okay, so Ms. Saltzman indicates she  
9       may not be available due to the spring break. And Ms.  
10      Zambrano, you would --

11      **MS. ZAMBRANO:** I will be here.

12      **PRESIDING JUDGE BREEN:** She could be here.

13      **PRESIDING JUDGE KOPEC:** All right. Ms. Saltzman, at this  
14      point, is there an alternative Friday that you would  
15      suggest? What I could do is I will take -- you know, I will  
16      consider it and take a look at the calendar to see because  
17      I certainly would like to be able to, at least at this  
18      point, have a date that would not -- that everybody could  
19      make it, understanding that things can change. But would  
20      there be an alternate Friday that you would suggest?

21      **MS. SALTZMAN:** The following Friday, April 17th, which I  
22      think was how we had this -- in October we had initially  
23      done a Friday, I think October 10th and then changed it to  
24      October 17th.

25      **PRESIDING JUDGE KOPEC:** The one concern I have -- I mean  
26      I'll take a look at it -- but the spring religious  
27      holidays. But I don't know what they -- coming on the  
28      calendar. So.

1 **FEMALE COMMITTEE MEMBER:** What's the 10th?

2 **FEMALE COMMITTEE MEMBER:** Well, it's a Friday --

3 **FEMALE COMMITTEE MEMBER:** I'd like to --

4 **FEMALE COMMITTEE MEMBER:** -- I don't know what --

5 **FEMALE COMMITTEE MEMBER:** -- I thought Judith said that  
6 Easter was 5th.

7 **MS. HOLSINGER:** It's the 5th.

8 **PRESIDING JUDGE KOPEC:** Oh, the 5th is (inaudible) Okay. All  
9 right. Well, what I'll do is I will take a look at the 17th  
10 to see whether that would work. I appreciate your comments.  
11 And if the 17th otherwise works on this end, then I will  
12 schedule it for the 17th. And just to let you know, the  
13 date goes up on the website, you know, like I said, soon,  
14 within the next week or so I'll be able to commit to the  
15 17th or the 10th. That information will go up on the  
16 website and then if you could just put it on your calendar.  
17 And we'll hope that everybody will be available. So. All  
18 right. Well, that concludes our meeting. I want to thank  
19 everybody for your consideration and participation and look  
20 forward to seeing you in six months, which will be here  
21 like a flash, I'm sure. Thank you very much and we'll go  
22 off the record.

23 **PRESIDING JUDGE BREEN:** Thank you.

24 (Special Education Advisory Committee Meeting Adjourned)

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