

**Office of Administrative Hearings
Special Education Advisory Committee
October 17, 2014 Meeting Summary**

1. Welcome and Introduction

1a. *Chair at Each Location:* Special Education Division Presiding Administrative Law Judge Judith Kopec chaired the Northern California section of the meeting. Presiding ALJ Richard Breen chaired the Southern California section. The meeting was conducted via video conference and was also available as a live webcast.

1b. *Selection of Note-taker at Each Location:* ALJ Theresa Ravandi (Northern California) and Presiding ALJ Peter Paul Castillo (Southern California) were note-takers.

1c. *Introduction of Committee Members and Terms of Committee Members:* Advisory Committee members introduced themselves. The following members were present in Northern California: Diane Beal, Mindy Fattig, Judith Holsinger, Karen Mates, Valerie Mulhollen, Richard Ruderman, and Colleen Villarreal. The following members were absent: Diane Foos and Han Tran.

The following members were present in Southern California: Margaret Adams, Ricky Alyssi, David German, Melissa Hatch, Lysa Saltzman, Sara Young, Paula West-Hernandez, and Blanca Zambrano. Elias Economou was absent.

This meeting is the beginning of a two-year term for newly appointed members. It is the beginning of the second and final year for continuing members.

1d. *Introduction of OAH Staff:* In addition to Division Presiding ALJ Kopec, Director and Chief ALJ Linda Cabatic, Presiding ALJ Bob Varma, and ALJ Ravandi attended in Sacramento. Presiding ALJ Richard Breen, Presiding ALJ Peter Paul Castillo and ALJ Ted Mann attended in Van Nuys.

2. Introductory Comments and Updates

2a. *Welcome New Members:* The following new members were welcomed to the Advisory Committee: Mindy Fattig, Karen Mates, Richard Ruderman, Han Tran, and Colleen Villarreal in Northern California, and Ricky Alyassi, David German, Melissa Hatch, Paula West-Hernandez, Sara Young, and Blanca Zambrano in Southern California. Valerie Mulhollen was reappointed in Northern California and Margaret Adams and Elias Economou were reappointed in Southern California.

2b, 2c. *Overview of Advisory Committee Meeting Process and Expectations of Members:* Division PALJ Kopec provided an overview of the committee's process for discussing and voting on agenda items.

The expectations of members were discussed. Each member is expected to fully participate by attending all meetings. If a member is unable to attend, the member should contact OAH by either telephone or email. If a member misses two meetings during the course of the member's term, OAH may remove and replace the member. The replacement member

may be chosen from the pool of applications that were received the prior spring and who has the same relationship to special education as the removed member.

2d. *Open Meeting Act*: DPALJ Kopec provided a brief overview of the Bagley-Keene Open Meeting Act. Before the meeting, members were provided copies of the Open Meeting Act and *A Handy Guide to the Bagley-Keene Open Meeting Act 2004*, from the California Attorney General's Office, and were encouraged to become familiar with them. Each member is responsible for ensuring he or she complies with the Act. Members were specifically informed of the prohibition against serial meetings under Government Code section 11122.5, subdivision (b).

2e. *Staff Changes at OAH*: ALJ Castillo was promoted to Presiding ALJ in Van Nuys. The San Diego and Van Nuys ALJs will form a consolidated Southern California OAH office with the San Diego ALJs reporting to Presiding ALJ Castillo. Two new ALJs were hired: Ted Mann in Van Nuys and Andrea Miles in Sacramento. By the End of October two more ALS will work in Van Nuys: Caroline Zuk and Chantel Sampogna. OAH is recruiting to fill an ALJ position in Sacramento and one more in Van Nuys.

3. Hearing and Mediation Processes

3a. *Fillable Forms*: There is a new request for hearing form available on the website. It can be filled out online, but must be either faxed or mailed to OAH. The form is available in English and is being translated into the other required languages. OAH remains committed to having electronic filing available in the future but confidentiality and security issues need to be addressed.

3b. *Revising FAQs and Guide to Understanding Special Education Due Process Hearings*: OAH is revising the FAQs and *Guide to Understanding Special Education Due Process Hearings* and recently updated the brochure on the website.

Committee Recommendation: A recommendation was made and seconded that the request for hearing and mediation forms require a filing parent sharing joint custody of the student serve the request for hearing or mediation on the other parent. During the members' discussion of this recommendation, an amendment was offered, accepted and seconded that OAH research all issues of joint custody and educational rights and their impact, if any, on serving the non-filing parent with the request for hearing or mediation. The amended recommendation passed in both Northern and Southern California.

3c. *Requests for Reasonable Accommodation and Accessibility*: Division Presiding ALJ Kopec reiterated that OAH is committed to full compliance with state and federal law regarding reasonable accommodations and accessibility for all OAH events, including prehearing conferences, mediations and due process hearings. Information about the process for requesting a reasonable accommodation is on the website. OAH is developing processes and procedures to ensure that all California special education events comply with the law.

Since special education meetings and hearings are usually scheduled at school districts, OAH is relying on the districts to be compliant with state and federal law requiring accessible facilities. A school district must let OAH know as soon as possible if it is unable to provide an accessible facility so that OAH can arrange for another location.

3d. *Expedited Cases:* Attorneys filing a complaint must clearly state in the caption and in the complaint that the party seeks to litigate an expedited issue and if it is the only issue being litigated, or if the party also seeks to litigate non-expedited issues. Given the shortened time frames for expedited hearings, it is crucial that the attorney properly identify if an expedited issue is raised so that the case can be properly scheduled. When a party not represented by an attorney files a complaint and it appears that an expedited issue is raised, an expedited hearing will be scheduled.

3e. *Outreach Presentations:* OAH has completed several outreach presentations to inform parents and advocates about the mediation and hearing processes. OAH has focused on working with Area Boards and parent advocacy groups. OAH is committed to conducting presentations throughout the state.

4. **Public Comments**

Members of the public attending the meeting via webcast were able to submit comments.

5. **Tentative Date of Next Meeting**

The tentative date for the next meeting is Friday, May 10, 2015.

6. **Adjournment**