

1 TRANSCRIPTION OF RECORDED MEETING  
2 OF  
3 SPECIAL EDUCATION ADVISORY COMMITTEE  
4

5 JUNE 19, 2020  
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7

8 Board Members Present: MARGARET GIBSON, Chair  
9 ZACKERY P. MORAZZINI, Director  
10 ROCHELLE HOOKS  
11 DANIELLE CHRISTY  
12 ELIZABETH SCHWARTZ  
13 MEGHAN MAGEE  
14 PAULA SENIGAR  
15 RAMAAH SADASIVAM  
16 AILEEN HERLINDA SANDOVAL  
17 ELAINE KOOIMA  
18 ERIC MENYUK  
19 LINDSEY STEINHOLT  
20 MARIANNE GROSNER  
21 OAH Staff Present: ALJ PETER PAUL CASTILLO  
22 ALJ JOYANN REDMON  
23 ALJ MARIAN TULLY  
24 ALJ CARAREA LUCIER  
25 ALJ JENNIFER KELLY

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ALJ MARLO NISPEROS  
ALJ CLAIRE YAZIGI  
JENNIFER SAFFOLD, Staff Support

Transcribed by: Cheryl Odom,  
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Phoenix, Arizona

1                                   **TRANSCRIBED RECORDED MEETING OF**  
2                                   **SPECIAL EDUCATION ADVISORY COMMITTEE**

3                                   **June 19, 2020**

4           **CHAIRMAN GIBSON:** All right. Good morning,  
5 everyone. Thank you so much for being here at our  
6 Advisory Committee meeting, our first all-virtual  
7 Advisory Committee meeting. We're going to take care of  
8 some preliminary matters first.

9           First of all, I want to really welcome all of you to  
10 the spring and summer Advisory Committee meetings for the  
11 Office of Administrative Hearings. Thanks to those  
12 attending the meeting as both part of the committee,  
13 employees of the Office of Administrative Hearings, and  
14 members of the public.

15           My name is Margaret Gibson. I'm the Division Chief  
16 Presiding Administrative Law Judge of the Office of  
17 Administrative Hearings for the Special Education  
18 Division.

19           With us this morning, we have Zack Morazzini. He's  
20 the Director and Chief ALJ of the Office of  
21 Administrative Hearings.

22           And Zack -- there we go. I want to give you a  
23 minute to say hello to everyone.

24           **DIRECTOR MORAZZINI:** Good morning, everyone.  
25 Welcome. Thank you.

1           **CHAIRMAN GIBSON:** This is a combined meeting of both  
2 the Advisory Committee for the Southern California and  
3 the Northern California. The first thing I want to do is  
4 determine whether we have a quorum for each committee.

5           Will all the members of the Southern California  
6 Advisory Committee meeting -- oh, looks like we've got  
7 one more person coming in. Hold on just a second.

8           Will all the members of the Southern California  
9 Advisory Committee -- not OAH employees, just members of  
10 the committee -- please raise their hand by doing the  
11 raise-the-hand button on their screen?

12           Oh, Elaine? Okay. We'll count Elaine. Dr.  
13 Sandoval, Elaine.

14           Do we have Eric here yet?

15           (No audible response)

16           **CHAIRMAN GIBSON:** Lindsey Steinholt?

17           **BOARD MEMBER STEINHOLT:** That's me. I'm here.

18           **CHAIRMAN GIBSON:** Great. Thank you.

19           Marianne Grosner here yet? Great. There you are.

20 I see you.

21           So we have a quorum in Southern California.

22           In Northern California, I see Ramaah.

23           Is -- let's see -- Danielle?

24           Elizabeth, you're here.

25           Danielle Schwartz -- or sorry, Elizabeth Schwartz.

1 Danielle Christy?

2 Meghan Magee?

3 And we have Dr. Senigar.

4 So we've got a quorum in each, so we will go  
5 forward, and both committees will be able to make  
6 recommendations today, should they so choose.

7 Each member will have the opportunity to speak on  
8 every issue. If a recommendation is made, each committee  
9 member -- each committee -- sorry -- Northern and  
10 Southern California will vote whether they would like OAH  
11 to consider a recommendation. A majority yes vote from  
12 either committee or both committees will result in OAH  
13 considering the recommendation or recommendations.

14 I want to remind everyone of the mission of the  
15 Advisory Committee. It's a committee composed of  
16 parents, attorneys, advocates, school employees, and  
17 other stakeholders, the majority of whom are parents and  
18 advocates or attorneys for parents. The Advisory  
19 Committee provides nonbinding recommendations regarding  
20 revisions to OAH's website, forms, documents, procedures,  
21 and policies, as provided within the regulatory mandate  
22 establishing the Advisory Committee.

23 For ease of understanding this morning, I'm moving  
24 Agenda Item 3, the choice of a chair, to Agenda Item 7.  
25 This is to ensure that all introductions are completed

1 prior to choosing a chair. Does anyone object to this  
2 move?

3 (No audible response)

4 **CHAIRMAN GIBSON:** Not hearing any objections, I am  
5 going to move that to Agenda Item 7.

6 So now I'm going to explain the meeting format to  
7 everyone today. This meeting is taking place over  
8 Microsoft Teams. The members of the committee, who I'll  
9 introduce in a moment, will all be visible on your  
10 screens when they are speaking.

11 As a member of the committee, I would like you to  
12 keep your microphone muted unless you're called on to  
13 speak. And if you would like to be recognized to speak,  
14 I'd like you to raise your hand, using the button  
15 available for this purpose.

16 I'd like all the committee members to take a moment  
17 and move their mouse a bit. Notice that you've activated  
18 a band along the lower middle of your screen. Just to  
19 the right of center, you should see an outline of a hand.  
20 This is what you want to press when you make a comment.  
21 After you finish making a comment, Microsoft Teams  
22 doesn't know you've done it, so you need to unraise your  
23 hand by pressing the same button again.

24 If you have trouble with this during the meeting or  
25 it's not working for you, just raise your actual hand,

1 and I will go ahead and call on you that way. But unmute  
2 your microphone if you're going to do that, because we  
3 can only see the last few people that have spoken. And  
4 so if you haven't spoken in a while, I can't see you  
5 raising your hand.

6 If a recommendation is made for OAH to consider by a  
7 committee member, I will ask for someone to second it.  
8 Please raise your hand electronically to second  
9 something. And again, if your electronic hand isn't  
10 working, raise your actual hand, but take off your  
11 microphone in order to -- stop muting in order to do  
12 that.

13 For each recommendation that is seconded, I will ask  
14 for a voice vote. I will call each of your names out  
15 loud. You will then need to take yourself off mute and  
16 state your vote, yes if you want OAH to consider the  
17 recommendation and no if you do not want OAH to consider  
18 the recommendation. We will tally up the votes.

19 This meeting is being recorded by Microsoft Teams,  
20 and a transcript will be posted on OAH's website when  
21 completed.

22 For public comment, there is a delay of about thirty  
23 seconds for the video feed of this meeting for nonmembers  
24 of the committee. The delay is not intentional and is  
25 just a function of the technology. Members of the public

1 watching via the delay can pause and return. However,  
2 the actual meeting will have moved on. So if you want to  
3 make public comment and you're watching this via the  
4 video feed, you shouldn't pause and come back because we  
5 may have moved on from that agenda item.

6 I will wait and ensure we have the public comment on  
7 each item before I move on. Members of the public who  
8 are watching on the video feed will have the opportunity  
9 to comment on every agenda item, using the question-and-  
10 answer function of the video feed you are watching.  
11 There should be directions you can see on the screen in  
12 front of you if you are watching by that feed.

13 I will not be able to see you, so please send any  
14 comments in to the Q&A section, and your comments will be  
15 read by our moderator before a vote for each related  
16 agenda item.

17 If you have public comment you wish to make  
18 regarding items not on the agenda, there will be a time  
19 at the end of the meeting for this to occur. Public  
20 comment will be limited to three minutes per person per  
21 agenda item and three minutes for non-agenda item.

22 Before I move on, is there anyone who has anything  
23 they wish to talk about or comment on the agenda items  
24 we've gone through so far? Anyone from the committee?

25 (No audible response)



1           **CHAIRMAN GIBSON:** I'm going to pause for a moment  
2 and just see if we have any public comment yet, at this  
3 point. This will be part of the awkward part of the  
4 meeting. We're going to have a few of these every time,  
5 because of the thirty-second delay. So we'll hold on a  
6 minute and just make sure we don't have any public  
7 comments so far. Thirty seconds is a long time.

8           All right. I am not hearing any public comment for  
9 this section, so I'm going to go ahead and move on to the  
10 introduction of the committee members.

11           We have a lot of new members this period, and I am  
12 so glad we had so many wonderful volunteers. Thank you  
13 very much for taking your time to be a part of this  
14 important committee. I'll be calling upon each of you to  
15 introduce yourselves. Please tell us a bit about  
16 yourself, as you are comfortable, and a bit about what  
17 interested you in being on this committee. I'm going to  
18 start in Northern California.

19           Rochelle Hooks, are you here?

20                   (No audible response)

21           **CHAIRMAN GIBSON:** Not seeing Rochelle, at this  
22 point, I'll move on.

23           Danielle Christy?

24                   (No audible response)

25           **CHAIRMAN GIBSON:** Okay. Not hearing from Danielle.

1 Elizabeth Schwartz?

2 **BOARD MEMBER SCHWARTZ:** Yes, hello. I'm Elizabeth  
3 Schwartz. I'm an attorney at Fagen Friedman & Fulfrost,  
4 representing school districts. Prior to becoming an  
5 attorney, I -- sorry, there's a delay there. Prior to  
6 becoming an attorney, I was a teacher for a couple of  
7 years and worked collaboratively with parents. And so I  
8 was excited by the OAH Advisory Committee and the  
9 collaboration that occurs.

10 **CHAIRMAN GIBSON:** Thank you very much.

11 Danielle Christy? Are you on mute? Danielle?  
12 Danielle, can you unmute yourself?

13 (No audible response)

14 **CHAIRMAN GIBSON:** I'm going to skip Danielle for  
15 now. I will come back to Danielle in a minute.

16 Danielle, if you're having trouble, maybe sign out,  
17 sign back in again, or try calling in on the phone  
18 number.

19 Meghan Magee?

20 (No audible response)

21 **CHAIRMAN GIBSON:** Okay. I'm not seeing Meghan.

22 Dr. Senigar?

23 **BOARD MEMBER SENIGAR:** Hi. It's -- actually, it's  
24 just Paula Senigar. I'm not --

25 **CHAIRMAN GIBSON:** Okay.

1           **BOARD MEMBER SENIGAR:** -- a doctor. I am a special  
2 needs parent and an advocate, and I have done a lot of  
3 work with families and school districts, related --  
4 professional related service providers. I'm very excited  
5 to be a part of this committee, and I look forward to  
6 collaborating with the committee. Thank you.

7           **CHAIRMAN GIBSON:** Thank you.

8           Ramaah?

9           **BOARD MEMBER SADASIVAM:** Hi. My name is Ramaah  
10 Sadasivam. I'm a supervising attorney at Disability  
11 Rights California, and I work primarily on special  
12 education issues. I'm also the parent of a child with a  
13 disability, and I'm really excited about working with all  
14 of you. And I welcome the collaboration as well.

15          **CHAIRMAN GIBSON:** Wonderful.

16          Danielle?

17                 (No audible response)

18          **CHAIRMAN GIBSON:** I will round back to Danielle.  
19 I'm going to move down to Southern California right now.

20          And Danielle, when you're back in and if you're  
21 ready to talk, raise your hand again, and I'll go back to  
22 you.

23          **FEMALE SPEAKER:** Okay.

24          **CHAIRMAN GIBSON:** Is Aileen Sandoval here?

25                 (No audible response)

1           **CHAIRMAN GIBSON:** Okay. Elaine?

2           **BOARD MEMBER KOOIMA:** Hi. I'm Elaine Kooima. I'm  
3 a -- I'm from San Diego. I am a registered nurse and  
4 presently work as a school nurse. I'm also a parent of a  
5 student who had an IEP from second grade through high  
6 school, and I'm also a California licensed attorney.

7           And I was so interested in this that I did take a  
8 certificate class through the University of San Diego in  
9 advocacy. So I'm just all around very interested in  
10 special education. And I am one of the people on the  
11 front line implementing the IEPs in the school setting,  
12 so I'm very excited to be part of this group.

13           **CHAIRMAN GIBSON:** Thank you very much.  
14 Dr. Sandoval?

15           **BOARD MEMBER SANDOVAL:** Hi. I didn't -- I wasn't  
16 able to unmute myself quickly enough when you called me  
17 just now. So I'm -- I specialize in brain function and  
18 neurodevelopmental neurocognitive disorders. I've been  
19 an advocate for quite a few years. I also run a clinic,  
20 and so I sit in with both ends of the educational system,  
21 as well as the medical system.

22           I've been in and out of the OHA (sic) court system  
23 myself, advocating for parents, also serving as expert  
24 witness and that sort of thing. So I'm really excited to  
25 sort of be working on this end of it.

1           **CHAIRMAN GIBSON:** Thank you.

2           Eric?

3           **BOARD MEMBER MENYUK:** I am unmuting myself.

4           Everybody, by the way, I apologize for being late. I was  
5           actually signing in, I guess, on the viewer link, not the  
6           participant link.

7           **CHAIRMAN GIBSON:** No problem.

8           **BOARD MEMBER MENYUK:** I'm really excited to be here.  
9           I've tried multiple years to get on this committee. I'm  
10          a big proponent of the administrative law process. I am  
11          an attorney with Newman Aaronson Vanaman. We represent  
12          families, children with disabilities. I'm also a parent  
13          of a child or was a parent of a child with a disability,  
14          who's now gone on to college and much better things. And  
15          I also come from a family of educators.

16          So education has been part of my life forever and  
17          ever and ever, and I'm a big believer in public  
18          education.

19          **CHAIRMAN GIBSON:** Thank you.

20          Lindsey?

21          **BOARD MEMBER STEINHOLT:** Good morning. I'm Lindsey  
22          Steinholt. I am an attorney with Atkinson, Andelson,  
23          Loya, Ruud & Romo. I represent public school districts,  
24          and my sole practice is special education. So the going-  
25          ons of OAH has a significant impact on my clients, and

1 I'm very excited to have been selected to be on the  
2 committee and hear the input from all of you folks.

3 **CHAIRMAN GIBSON:** Thank you.

4 Marianne?

5 **BOARD MEMBER GROSNER:** Hello. Hi. Can you hear me?

6 **CHAIRMAN GIBSON:** Yes.

7 **BOARD MEMBER GROSNER:** Hi. I'm Marianne Grosner.

8 Thank you so much for having me on the committee. I have  
9 two special needs children, so I've been advocating for  
10 them for many years. But I'm also interested in  
11 advocating for others, having taken some courses. And  
12 this came along as opportunity, so I wanted to, you know,  
13 really learn from everybody. And -- and I'm excited to  
14 be a part of this.

15 **CHAIRMAN GIBSON:** Thank you.

16 Victor?

17 (No audible response)

18 **CHAIRMAN GIBSON:** Okay. It looks like Meghan Magee  
19 has joined us.

20 Meghan, would you like to introduce yourself?

21 Meghan? Give her a second.

22 (No audible response)

23 **CHAIRMAN GIBSON:** Danielle Christy? Can you unmute  
24 yourself or -- and introduce yourself?

25 (No audible response)

1           **CHAIRMAN GIBSON:** All right. Well, I still can't  
2 hear either Danielle or Meghan.

3           So Danielle or Meghan, if you are speaking, we'll  
4 need you to try and call back in again. If you have  
5 gotten some emails from Anna Brown, if you can email Anna  
6 Brown if you're still struggling, she'll do what she can  
7 to get you back into our meeting.

8           All right. Now I want to introduce our OAH staff  
9 that's in attendance today. So in attendance today, we  
10 also have our presiding judges. I'll have them each  
11 introduce myself (sic). We'll start with Marian.

12           **ALJ TULLY:** Yes. I'm Marian Tully. I'm the -- one  
13 of the presiding judges in Southern California. I've  
14 been with OAH since 2011.

15           **CHAIRMAN GIBSON:** Thank you.

16           Peter Paul?

17           **ALJ CASTILLO:** I'm Peter Paul Castillo. I'm the  
18 other presiding administrative law judge at our new  
19 Angels Flight office in downtown Los Angeles. And I've  
20 been with OAH since October of 2005.

21           **CHAIRMAN GIBSON:** Thank you.

22           Joy?

23           **ALJ REDMON:** Good morning. I'm Joy Redmon. I'm the  
24 presiding administrative law judge in Northern  
25 California, and I have been with OAH since 2014. And I

1 was previously a hearing officer at SEHO, so I've been in  
2 and around the system for a really long time. So  
3 welcome.

4 **CHAIRMAN GIBSON:** Thank you.

5 I don't know if Jennifer Saffold is going to be able  
6 to pop on and let you all see what she looks like. She's  
7 also running the behind-the-scenes video feed, as is Anna  
8 Brown. So if Anna or Jennifer want to pop on and say  
9 hello, they are the life blood of the Special Education  
10 Division. They make everything happen. Without them, we  
11 are nothing.

12 **MS. SAFFOLD:** Hi. Good morning, everyone.

13 **CHAIRMAN GIBSON:** All right. We also have some new  
14 OAH staff that I want to introduce. But it looks like  
15 we've just been joined by a few of our other Northern  
16 California members. So I want to take a second and pop  
17 back with that.

18 Rochelle Hooks, are you there?

19 **BOARD MEMBER HOOKS:** Yes, I'm here.

20 **CHAIRMAN GIBSON:** Wonderful. Do you want to take a  
21 moment and introduce yourself?

22 **BOARD MEMBER HOOKS:** Sure. I am Rochelle Hooks,  
23 currently the coordinator for Castro Valley, secondary  
24 side of special education. And this is my second year on  
25 the committee.



1           **CHAIRMAN GIBSON:** Thank you very much.

2           Danielle, have we fixed your audio problems yet?

3                   (No audible response)

4           **CHAIRMAN GIBSON:** Can't hear her yet. Okay.

5           And Meghan?

6           **BOARD MEMBER MAGEE:** Hi. Sorry for the technical  
7 delay. I'm Meghan Magee. I am a program coordinator  
8 with Folsom-Cordova Unified School District. And this is  
9 my (indiscernible). I'm excited to be part of it.

10           I usually represent Folsom Cordova in our special  
11 education due process hearings, and I have a lot of  
12 background and training in mediation from the Straus  
13 Institute at Pepperdine and Harvard University's  
14 negotiations training, the week-long training. So I'm  
15 very excited to be here.

16           **CHAIRMAN GIBSON:** Wonderful. Thank you so much,  
17 Meghan.

18           All right. And I want to make a few introductions.  
19 Since our last Advisory Committee meeting, we have some  
20 new OAH staff I wanted you all to meet. And I'll have  
21 them briefly introduce themselves.

22           Let's start with ALJ Lucier.

23           **ALJ LUCIER:** Hi. Good morning. My name is Cararea  
24 Lucier. I joined OAH in September of 2019. Thank you.

25           **CHAIRMAN GIBSON:** Thank you.

1 ALJ Kelly?

2 **ALJ KELLY:** Good morning, everyone. I'm Jennifer  
3 Kelly. I joined OAH in September of 2019. I'm very  
4 happy to be here. Thank you.

5 **CHAIRMAN GIBSON:** Thank you.

6 ALJ Yazigi?

7 **ALJ YAZIGI:** Good morning. My name is Claire  
8 Yazigi. I believe I'm the most recent addition to  
9 Special Ed Division. It's a pleasure to be here.

10 **CHAIRMAN GIBSON:** Thank you.

11 And ALJ Nisperos?

12 **ALJ NISPEROS:** Good morning, everybody. I am Marlo  
13 Nisperos. I joined OAH in September of 2019, and I am  
14 also happy to be here.

15 **CHAIRMAN GIBSON:** Thank you.

16 We also have two new staff members, our case  
17 managers. We have Vanessa and Dana.

18 And Vanessa started in January, and we were so happy  
19 to have her join us. She helps with some of our Spanish-  
20 speaking people that call.

21 And we have -- are welcoming back Dana Dill. She  
22 had been in the Special Education Division for a while,  
23 went over to work in our other division, and has recently  
24 rejoined us in Special Education.

25 All right. I'm moving on to Agenda Number 7 right

1 now, which is a selection of the chair at each location.  
2 OAH partially accepted a recommendation from the last  
3 Advisory Committee meeting regarding the agenda  
4 collection. So all proposed agenda items from other  
5 committee members will be sent to these members. We are  
6 going to choose a member from Northern California and  
7 Southern California.

8 The identified members will collect the agenda items  
9 from other committee members prior to the next meeting  
10 and send OAH a list of agenda items no later than October  
11 1st for the fall meeting. OAH will add any additional  
12 items to the agenda, as necessary, and remove any agenda  
13 items that aren't within the scope of the committee and  
14 will timely publish the agenda.

15 Is anyone from Southern California interested in  
16 being the chair of the committee for today's meeting,  
17 which really means, for purposes of this, that you're  
18 agreeing to do the -- collect the agenda items for the  
19 next meeting? And then I'll ask the same for Northern  
20 California.

21 Is anyone from Southern California willing to be the  
22 collector of agenda items? First one to volunteer wins.  
23 Come on. Come on.

24 Thank you, Eric. Appreciate it.

25 Eric will be the collector for Southern California.

1 Eric, we'll get with you and talk to you and tell  
2 you what to do with stuff.

3 And we'll make sure that everybody has Eric's  
4 information on the committee, so they can send him  
5 proposed agenda items.

6 If you are a member of the public and listening to  
7 this and you want agenda items and you'd like to suggest  
8 them, those still go to OAH. We won't inundate Eric with  
9 those. Eric will be in charge of collecting them from  
10 members of the committee.

11 Is there anyone from Northern California on our  
12 committee interested in volunteering for this wonderful  
13 task and assisting Eric? First one to volunteer wins.  
14 Come on.

15 **BOARD MEMBER HOOKS:** It's Rochelle Hooks. I  
16 volunteer.

17 **CHAIRMAN GIBSON:** Wonderful. Thank you so much,  
18 Rochelle. We'll get with you, again, as well, after the  
19 meeting and kind of make sure that everybody's got the  
20 information they need to do it. I really appreciate it  
21 from both of you.

22 An application for -- the application period for new  
23 members, we only have one member whose term is up in  
24 October 2020. Everybody else is here for the long haul.  
25 We'll open the application process for that position

1 later this summer. The current holder of this position  
2 is also eligible to reapply. You can serve up to two  
3 terms consecutively. So we will get that information out  
4 to the community. Please watch the Advisory Committee  
5 section of the OAH website and your email for updates.

6 Is there anyone that would like to have any comment  
7 regarding this, on the committee?

8 (No audible response)

9 **CHAIRMAN GIBSON:** I don't see any. I am going to  
10 start the awkward wait for public comment on this  
11 section, so we're going to hold on a few minutes and just  
12 make sure that there isn't any public comment up to this  
13 point.

14 (No audible response)

15 **CHAIRMAN GIBSON:** All right. I'm not seeing that  
16 there's any public comment. I'm going to go ahead and  
17 move forward. If I have somehow missed a little public  
18 comment, then I will go ahead and add it back in.

19 All right. Expectations of members. All the  
20 members are expected to attend every meeting. The  
21 meetings are held the third Friday of June and the third  
22 Friday of October every year. If a member's not able to  
23 attend a meeting, you should notify OAH as soon as you're  
24 aware that you can't attend the meeting. And if a member  
25 misses two meetings, they may be removed from the

1 committee and OAH may choose a replacement.

2 I encourage you to participate fully in this  
3 process. Your opinions and recommendations are very  
4 important, and OAH really values community participation.

5 I want to give a little overview of the Advisory  
6 Committee process. When we start with the more  
7 substantive agenda items, the person who proposed the  
8 agenda item will have some time to talk. I may also  
9 start the discussion on behalf of OAH and may be able to  
10 answer some questions as they come up.

11 All committee members wishing to be heard will have  
12 the opportunity to speak on the topic at least once. If,  
13 at some point, a recommendation is made that OAH consider  
14 something formally, any committee member may make a  
15 recommendation. If you are going to make a  
16 recommendation, I suggest you take a minute to write down  
17 your recommendation. Most are one or two sentences, at  
18 most.

19 I'll give you a quick example. If we were talking  
20 about people filing paper documents with OAH, you might  
21 want to suggest that everyone files it on green paper.  
22 So you might want to make a recommendation that all  
23 materials filed with OAH be filed on green paper.

24 I'll find out if there's a second. If someone  
25 seconds it, we'll make sure everyone has a chance to

1 comment. We'll make sure we take public comment on it.  
2 Then we'll do a voice vote to see if the recommendation  
3 passes. If it does, OAH will consider that and get back  
4 to you prior to the next meeting.

5 We'll handle recommendations one at a time. There  
6 very well may be multiple recommendations for each agenda  
7 item. Just because someone else made a recommendation  
8 doesn't mean that you won't be able to make your  
9 recommendation as well.

10 Jennifer, we have some public comment?

11 **MS. SAFFOLD:** I wanted (indiscernible). We have not  
12 had public comment yet, but I did want to say that Ms.  
13 Christy was able to submit her introduction via writing,  
14 although she's having audio issues. So I can read that  
15 now, if you'd like.

16 **CHAIRMAN GIBSON:** Wonderful.

17 **MS. SAFFOLD:** Okay. So she said,  
18 "Good morning. I'm sorry I'm having sound  
19 issues. I thought I would do a written  
20 introduction. I'm honored to join this  
21 committee, as I'm committed to doing all I can  
22 to help improve the system of special  
23 education. I am a proud parent of a six-year-  
24 old boy with autism and a licensed educational  
25 psychologist. I recently started a private

1 practice and was a school psychologist in  
2 multiple settings for the past fifteen years."

3 Thank you, Ms. Christy.

4 **CHAIRMAN GIBSON:** Thank you very much.

5 Each member will be able to vote when we hold votes,  
6 and OAH will consider each recommendation and respond in  
7 writing prior to the next meeting.

8 Before I move forward, do any members of the  
9 committee have any comments or questions?

10 (No audible response)

11 **CHAIRMAN GIBSON:** Okay. Going to go ahead and move  
12 forward.

13 This meeting is governed by the Open Meeting Act.  
14 The Advisory Committee meetings follow the Open Meeting  
15 Act. Each member of the committee has been sent a copy  
16 of the act and is expected to follow all the  
17 requirements. A copy can also be found in the Advisory  
18 Committee section of the OAH website.

19 The next thing I wanted to do was review the  
20 responses to the spring 2019 meeting. And let me go and  
21 do that really quick. We had several recommendations.

22 The first recommendation was regarding the setting  
23 of dates for future Advisory Committee meetings. The  
24 recommendation was to schedule Advisory Committee  
25 meetings the third Friday of June and the third Friday of



1 October. OAH accepted the recommendation and has set  
2 this meeting in accordance with the recommendation and  
3 will set future meetings in accordance with the  
4 recommendation.

5 The second recommendation was that -- was regarding  
6 requests for agenda items for future Advisory Committee  
7 meetings. The recommendation was that the Advisory  
8 Committee was to identify two chairs in both Northern and  
9 Southern California with a district- and student-side  
10 recommendation in each area, these four chairs to take  
11 the agenda items and determine which will be included in  
12 the next Advisory Committee meetings. Agenda items  
13 initially go to OAH. Then the chairs have a two-week  
14 period or some time frame to put the agenda to OAH.

15 OAH partially accepted this recommendation. During  
16 each meeting, OAH will identify one member from Northern  
17 California and one member from Southern California to  
18 collect proposed agenda items for the next meeting. All  
19 proposed agenda items from other committee members will  
20 be sent to these members.

21 The identified members will send OAH a list of  
22 agenda items no later than October 1st for the fall  
23 meeting and June 1st for the spring meeting. OAH will  
24 add additional items to the agenda, as necessary, and  
25 remove any agenda items that are not within the scope of

1 the committee and timely publish the agenda.

2 The next recommendation was that OAH host  
3 stakeholder meetings regarding calendaring issues from  
4 last year. OAH accepted this recommendation and held  
5 stakeholder meetings. They were open to any member of  
6 the public who wished to attend.

7 The next agenda item was -- or the recommendation  
8 was OAH will determine if the mediation-only regulations  
9 authorize participation of an advocate or educational  
10 consultant to assist parties in the process.

11 The OAH response, OAH accepted the recommendation.  
12 An attorney or independent contractor used to provide  
13 legal advocacy services may not accompany a parent or  
14 district in a mediation-only, based on California  
15 Education Code Section 56500.3(a).

16 However, the same Education Code Section (b) does  
17 not preclude the parent or public agency from being  
18 accompanied or advised by nonattorney representatives in  
19 mediation, and the parties may consult with an attorney  
20 before or after the mediation.

21 If a question arises at the beginning of a mediation  
22 regarding the inclusion or exclusion of a participant,  
23 under the statute, the OAH mediator will make a  
24 determination as to who can be present. Despite the  
25 foregoing, OAH will permit the parties to proceed with

1 attorneys or legal advocates if both sides agree.

2 And the final recommendation, OAH hold stakeholder  
3 meetings to discuss the issue of the scope of claims  
4 being part of OAH's special education mediation  
5 processes. OAH did accept this recommendation and held  
6 stakeholder meetings, and they were open to any member of  
7 the public who wished to attend.

8 I hope that concludes the Peggy-speaking-a-lot  
9 portion of this meeting. That was the recommendations  
10 and responses.

11 Is there anyone from the committee that would like  
12 to make a comment on this agenda item?

13 (No audible response)

14 **CHAIRMAN GIBSON:** Not seeing any hands physically  
15 or --

16 **BOARD MEMBER SADASIVAM:** Oh, I do have a question.

17 **CHAIRMAN GIBSON:** Sure. Can you identify yourself?

18 **BOARD MEMBER SADASIVAM:** Yes. So this is Ramaah  
19 Sadasivam. I have a question regarding Agenda Item 15  
20 and 17, regarding the stakeholder meetings. When do  
21 those meetings occur, and how was the public notified?

22 **CHAIRMAN GIBSON:** We notified the public through our  
23 ListServe and to and through the website. They were held  
24 in -- I think it was mid-to-late September. I can find  
25 out the dates, if you would like. And they were held in

1 the -- one meeting was held in Northern California and  
2 Southern California. That was regarding the -- both  
3 meetings were held -- both stakeholder meetings were held  
4 in Northern California.

5 For the Southern California meetings, we had only a  
6 few people respond. I think we might have had three  
7 people respond. And it was the day that the PG&E did  
8 their -- turned off all the power for everyone last year.  
9 And so we ended up not holding the Southern California  
10 one. We contacted the people who were going to come, and  
11 we didn't get interest in doing a follow-up meeting after  
12 that.

13 The Northern California meeting, I think, was  
14 attended by two people. It was rousing. It was  
15 informative. We got some good information, but we didn't  
16 have a huge turnout for either of those stakeholder  
17 meetings.

18 Anything else from members of the committee?

19 **BOARD MEMBER SENIGAR:** I have a question.

20 **MS. SAFFOLD:** There's no public comment at this  
21 time.

22 **CHAIRMAN GIBSON:** Sure. Is that --

23 **BOARD MEMBER SENIGAR:** Paula Senigar.

24 **CHAIRMAN GIBSON:** Oh, okay.

25 **BOARD MEMBER SENIGAR:** Will there be additional

1 stakeholder meetings on those topics?

2 **CHAIRMAN GIBSON:** At this point, there's been no  
3 request for additional meetings, but nothing is stopping  
4 anyone from wanting them --

5 **BOARD MEMBER SENIGAR:** Okay.

6 **CHAIRMAN GIBSON:** -- and making a recommendation  
7 therefor.

8 You said there was public comment?

9 **MS. SAFFOLD:** There is no public comment.

10 **CHAIRMAN GIBSON:** Okay. Anything else before I move  
11 forward?

12 (No audible response)

13 **CHAIRMAN GIBSON:** Okay. The first, I guess, real  
14 substantive item we're going to talk about today is --  
15 was raised by Eric. It was regarding the precedents of  
16 OAH decisions. And so I will let Member Menyuk talk  
17 about -- speak to this first.

18 **BOARD MEMBER MENYUK:** Okay. Thank you very much,  
19 Your Honor.

20 You know, this came up, actually, as a colleague of  
21 mine, because I put it out for other people, you know, in  
22 the parent bar to make comments. And the real issue that  
23 they have -- and this is -- I don't even know,  
24 necessarily, that this is an appropriate agenda item.  
25 It's more -- was more of a question than anything else,

1 because it appeared that there are times when there are  
2 OAH decisions that are in conflict with each other.

3 And the question becomes, what -- you know, is there  
4 a process by which, you know, that stare decisis, you  
5 know, controls these decisions and that -- you know, that  
6 judges are aware of past precedents that OAH has set with  
7 regard to specific issues? And that was the question.

8 **CHAIRMAN GIBSON:** Sure. I'd like to speak to that  
9 for a few minutes, and then I'll take comments from  
10 other -- and questions from other members of the  
11 committee and then the public.

12 Title 5 of California Code of Regulations, Section  
13 3085, specifically states that our special education  
14 decisions that we issue can be per cited as persuasive,  
15 but they're not binding by parties or hearing officers.  
16 So that's where we start, right? And so we start with  
17 the fact that they're not meant to be binding. They're  
18 administrative decisions.

19 If it is an area of law where there is not binding  
20 precedent above us -- so that would mean a state or a  
21 federal court has not made a decision on this specific  
22 area -- our judges are free to interpret the law with the  
23 facts of the case they've got, based on the way they see  
24 it, using the cases that are there. But it usually means  
25 that there hasn't been a controlling decision that has

1 been created yet by a higher court.

2 Also, special education cases are very, very, very  
3 fact-specific.

4 And I know I'm not telling you anything, Eric, you  
5 don't know.

6 And so it may be that it seems like it comes to a  
7 different conclusion, but there was some little fact that  
8 changed it in that case. And quite frankly, sometimes we  
9 have judges that see things differently. We encourage  
10 our judges to be independent, to -- we hire wonderful  
11 people with wonderful backgrounds with great legal  
12 opinions. And we encourage them to have judicial  
13 independence. We don't regulate how their decisions come  
14 out.

15 Of course, we make sure that we have quality  
16 assurance and that people are following precedent, where  
17 it is, but our job is to make decisions based on the  
18 current law. And we usually know as much as the public  
19 does when we get a couple decisions that seem to come to  
20 different conclusions. And they can both be right and  
21 well-reasoned, up and unless -- up until and unless a  
22 higher court makes a determination to the contrary.

23 I would like to open this up. Does any --

24 **MS. SAFFOLD:** (Indiscernible).

25 **CHAIRMAN GIBSON:** Sure.

1           **MS. SAFFOLD:** Before we proceed, can we pause for  
2 just a moment? It appears our live broadcast has paused  
3 video, but the audio is continuing. So maybe if we could  
4 take just a couple seconds and see if we can get that  
5 resolved real quick?

6           **CHAIRMAN GIBSON:** Sure.

7           **BOARD MEMBER MENYUK:** Thank you, by the way.

8           **CHAIRMAN GIBSON:** Sure.

9           I wish I had some nice, like, hold music and a cute  
10 little, like, scene with bunnies we could put on right  
11 now, while we are waiting. I appreciate all of you being  
12 very patient with our first attempt at an all-live video  
13 broadcast feed. We've never done the feed ourselves at  
14 the same time.

15          **MS. SAFFOLD:** Thank you. It's back up.

16          **CHAIRMAN GIBSON:** All right. Wonderful.

17                 So is there any other member of the committee who  
18 would like to be heard on Agenda Item 13, which is the  
19 precedents of OAH decisions?

20                         (No audible response)

21          **CHAIRMAN GIBSON:** I'm not seeing anyone.

22          **BOARD MEMBER GROSNER:** Hello? Can I say something?

23          **CHAIRMAN GIBSON:** Sure.

24          **BOARD MEMBER GROSNER:** Hi. This is Marianne  
25 Grosner. You mentioned about quality assurance, and I



1 just wondered what does that look like for -- on  
2 decisions? You were saying it kind of -- there was a  
3 quality assurance for decisions, and I --

4 **CHAIRMAN GIBSON:** Sure. I probably meant it not  
5 quite the way that it came out, according to your  
6 question. But we -- our judges go through extensive  
7 training when they start with us. We spend, usually,  
8 more than 2- or 300 hours of training with our judges  
9 when they first start. Our judges work closely with  
10 their PJs and with their fellow judges.

11 And we make sure that our judges have access to all  
12 the current case law that they would need. We do  
13 training throughout the year, as well, and all of our  
14 judges are required to do forty hours of training on an  
15 ongoing basis every year. And we ensure that the  
16 decisions are written in a format to make sure that  
17 there's factual findings and legal conclusions and they  
18 have all the required parts from the law.

19 Anybody else have any comments, questions,  
20 recommendations, any more members of the committee?

21 (No audible response)

22 **CHAIRMAN GIBSON:** All right. We're going to stall  
23 for a second and see if we have any public comment coming  
24 in on this. All right.

25 **MS. SAFFOLD:** We have no public comment for this

1 agenda item.

2 **CHAIRMAN GIBSON:** All right. Thank you.

3 I'm going to move forward. Number 14, probably the  
4 biggest topic that we will discuss today, although I  
5 don't want to minimize any other topic, the  
6 videoconference hearings and mediations.

7 There were several points to this brought up by  
8 several members. I was going to start and talk, and then  
9 I will make sure that Members Schwartz, Menyuk, and  
10 Grosner have some time first. They brought up certain  
11 pieces of this. And then we'll make sure everybody gets  
12 a chance. I thought that I would start with this agenda  
13 item.

14 Let me start with, holy cow, what a time of change  
15 for all of us this has been. We had actually planned to  
16 design a videoconference pilot program. We were going to  
17 pilot very smally, in a very small way, maybe a year from  
18 now. So we had started talking about what that might  
19 look like in January and February of this year. We had  
20 given some preliminary thought to the moving parts, and  
21 then March happened. And we realized that we had to make  
22 some real big changes to how we did things.

23 I want to start by thanking every member of the  
24 community and all of our employees for their patience,  
25 their kindness, and their can-do attitudes during this

1 time period. It has been a very stressful time for  
2 people, personally. It has been a very stressful time  
3 for people whose kids have been home, people whose  
4 workplaces have been disrupted. And the special  
5 education community, in particular, has just really come  
6 together in a way, around this, that has been very, very  
7 gratifying for me to see.

8       When things first shut down in March, we needed a  
9 week to figure out how we could continue to provide due  
10 process to California special education matters. At that  
11 point, we didn't know how long things were going to be  
12 closed down, and we were unsure of the technical  
13 capabilities we had. And we really had no processes in  
14 place. So we took a week to figure out how we could do  
15 mediations.

16       We had to use what technology we had. We're State  
17 employees. State procurement isn't something that  
18 happens at the -- well, it does not happen at the speed  
19 of a covered wagon, let alone the speed we needed it to  
20 work at. So we had to use what technology we had.

21       We hadn't even used Microsoft Teams at the time we  
22 closed down for a week. None of us had. And I joked  
23 with our employees that it was like we had to make dinner  
24 from just what was in the pantry. So we had to figure  
25 out how we could continue to provide the services that we

1 provide, using just what we had.

2 As we got more and more into it, I actually started  
3 joking it was more like Apollo 13 and we were kind of  
4 stuck in space, and we had to land the spacecraft using,  
5 like, four pieces of string and an oxygen tank. And so  
6 we did the best we could, at the beginning. We certainly  
7 made some changes.

8 When the CARES Act was first passed by the federal  
9 government, it allowed the U.S. Education Secretary,  
10 DeVos, to modify parts of the IDEA due to COVID. There  
11 was a thirty-day period for the education secretary to  
12 recommend any changes or waivers to the time lines. And  
13 no waivers were proposed. Therefore, all of the time  
14 lines attached to the special ed cases continued.

15 In California, special education hearings are  
16 allowed to be conducted electronically and  
17 telephonically. The legislature and the California  
18 Department of Education have determined that both of  
19 these types of hearings are permissible. OAH did not  
20 need to seek any additional authorization to move to  
21 virtual hearings and mediations.

22 In one week, we figured out how to conduct  
23 mediations. Granted, it was the 1.0 version. We've made  
24 several improvements to that process since it started.  
25 And a month later, we started back up with our video

1 hearings.

2       There have been so many changes we've had to make:  
3 evidence, appearances, and using videoconference  
4 applications that we'd never used before and members of  
5 the public never used before, and many other things we  
6 had just taken for granted.

7       By the end of May, we had completed more than 360  
8 video mediations, and 15 video hearings were convened.  
9 We're still refining the process, as you can imagine. At  
10 this time, I have no answer as to how long we'll be only  
11 holding video hearings. I expect, as the State continues  
12 to open up and we have proper safeguards in place, we may  
13 begin to be able to have hearings in our local offices.  
14 But for the foreseeable future, we plan on continuing  
15 both mediations and hearings by video conference.

16       We are looking to set up self-help centers in our  
17 offices, where parents or guardians without access to  
18 reliable internet or videoconferencing can come into our  
19 local offices and participate in video mediations and  
20 hearings. These are not open yet, but we're working hard  
21 to make this happen soon after the State would allow it.  
22 When this is available, we will make sure to notify  
23 everyone.

24       I know there have been concerns raised by parties  
25 and attorneys wanting to be in the same room for

1 mediations and hearings. OAH has made sure that parties  
2 can consult privately with their attorneys, both during  
3 mediations and hearings. If parties would like to meet  
4 somewhere and be in the same place for mediations and  
5 hearings with their attorneys, the parties and attorneys  
6 are encouraged to follow current CDC and California  
7 safety protocols.

8 At this time, OAH is providing a virtual space for  
9 this to happen. The parties may choose to provide their  
10 own physical space.

11 There have also been some concerns regarding  
12 witnesses. Witnesses have regularly appeared by  
13 telephone for OAH hearings. We now have the added value  
14 of video. As I stated earlier, the legislation and CDE  
15 expressly allow electronic hearings, and the ALJs are  
16 able to both observe and hear the witnesses and judge  
17 their credibility.

18 We have recently introduced a software program  
19 called CaseLines for evidence. And I'll talk more about  
20 that in Agenda Item 15.

21 This has been new for everyone. We appreciate the  
22 response from the community and are committed to  
23 continuous improvement of our processes. I look forward  
24 to our discussions today.

25 Please remember that the issue of whether we can

1 hold video mediations and hearings is not part of a  
2 determination for this committee. That's been decided by  
3 the legislature and CDE. I am looking forward to  
4 discussing our processes and procedures, however, and  
5 seeing where we can better meet the needs of the  
6 community and OAH.

7 As to open hearings, we have very few open hearings  
8 each year. In the short term, we're making audio  
9 recordings available after the hearing to whoever asks.  
10 For those who would like an open hearing, we are  
11 currently looking for a platform that will allow  
12 contemporaneous streaming of audio of the hearing and are  
13 hopeful to have that available very soon.

14 I have divided the issues raised for the agenda into  
15 five areas. I will go through each area, and we will  
16 have a discussion, public comment, and vote on any  
17 recommendations. I am going to move the general  
18 questions and concerns to be the final area for  
19 discussion.

20 So I want to start with our procedures. This was  
21 initially put in by -- I want to make sure I have the  
22 members right. And our members were Schwartz, Menyuk,  
23 and Grosner, so I will start with Member Schwartz.

24 Would you like to make some comments or ask some  
25 questions regarding our procedures?

1           **BOARD MEMBER SCHWARTZ:** Yes, Your Honor.

2           I understand that it's an evolving process. And  
3 even since the question was submitted, I believe after  
4 that, CaseLines came in to be. And I guess the  
5 question -- I know it's hard to sort of make decisions at  
6 this point, but is OAH planning on having the process at  
7 least continue as is now, with CaseLines and Teams, or  
8 are -- is there still, I guess, research or consideration  
9 into using a different platform?

10           **CHAIRMAN GIBSON:** So we are actively looking for --  
11 to see if there's a platform that can better serve our  
12 needs. We have several core requirements that we're  
13 looking to do, including being able to see more people.  
14 We're working on some issues regarding interpreters and  
15 some other things with that. So we're actively looking  
16 to see if there's another platform that may better suit  
17 the needs of the community and OAH. So I don't know yet  
18 whether we'll be hanging on to Teams or not.

19           For CaseLines, we've currently entered into an  
20 emergency short-term contract with CaseLines. And I  
21 expect that we will continue using a digital evidence  
22 platform. We will be using CaseLines for the foreseeable  
23 future.

24           We are also -- at some point, we'll likely be  
25 looking and will go out to bid for an online evidence



1 program. And I'm certainly -- you know, I'm pretty sure  
2 CaseLines will be part of that. But the bidding process  
3 is kind of outside my purview. It's not done -- I'm not  
4 involved in that piece of it.

5 Anything else, Member Schwartz?

6 **BOARD MEMBER SCHWARTZ:** Thank you. That's all I  
7 have at this time.

8 **CHAIRMAN GIBSON:** Okay. Member Grosner?

9 **BOARD MEMBER GROSNER:** Hi. Actually, I don't have a  
10 comment for procedures. I do for some other ones, so  
11 thank you.

12 **CHAIRMAN GIBSON:** Okay. Thank you.

13 Member Menyuk?

14 **BOARD MEMBER MENYUK:** Yeah. Really quickly, now  
15 that we have CaseLines in place, is it still the intent  
16 that we are going to have, also -- that OAH is going to  
17 want us to send binders out to witnesses and things like  
18 that?

19 **CHAIRMAN GIBSON:** So the current plan is we wanted  
20 to give everybody at least one hearing where they still  
21 had paper documents and CaseLines, while people were  
22 still learning it, particularly for our judges. So I  
23 have promised our judges that they could all have one  
24 hearing with paper and with the online software, just  
25 because it's so critical that we make a record and we

1 make an accurate record. Wanted everybody to get used to  
2 it.

3       So I expect that we will phase out the paper  
4 requirement to send to OAH sometime around the end of  
5 summer, but no guarantees at this point. You know, and I  
6 wanted to give the opportunity -- if, for some reason, it  
7 wasn't working or there were glitches we didn't know  
8 about, I didn't want to have to stop and restart the  
9 paper. So at this point, I would say the direction we're  
10 moving in is probably to eliminate the paper being  
11 delivered to OAH sometime around late summer, but not for  
12 sure.

13       **BOARD MEMBER MENYUK:** Thank you. And then a follow-  
14 up on that one is -- and I believe this was in the last  
15 order I received, but in terms of exchanging documents,  
16 the five-day requirement, that is -- if it's posted to  
17 CaseLines, that satisfies that requirement?

18       **CHAIRMAN GIBSON:** That's our position, yes.

19       **BOARD MEMBER MENYUK:** Okay, thank you.

20       **CHAIRMAN GIBSON:** Now, if, for some reason, the  
21 other side or a different -- one of the parties is like,  
22 that's not going to work for me; I am a self-represented  
23 parent; I don't have access to a computer; I can't  
24 possibly do this, they may absolutely ask the judge, and  
25 the judge may make a separate order for that, based on

1 the specific circumstances of the case.

2 **BOARD MEMBER MENYUK:** Absolutely understood.

3 **CHAIRMAN GIBSON:** Okay. Any other members like to  
4 talk about the procedures part of our videoconferences  
5 for hearings and mediations?

6 Member Schwartz, will you unraise your hand unless  
7 you want to talk again? Thanks.

8 Is there anyone else on the committee that would  
9 like --

10 Ramaah?

11 **BOARD MEMBER SADASIVAM:** Yes, thank you. Thank you,  
12 Your Honor.

13 I had a question. I think, you know, in talking to  
14 people who have gone to hearing, one concern has been  
15 that since the rollout to video hearings has been new for  
16 everyone, there has been a lot of delays with getting the  
17 hearing started because there have been technical  
18 difficulties with logging on to Microsoft Teams, and was  
19 wondering if there's any possibility for there to be kind  
20 of like a practice or a test run for, you know, families  
21 and attorneys who are new to using Microsoft Teams, so  
22 that the first day of hearing is not the first time that  
23 they're using Microsoft Teams. Thank you.

24 **CHAIRMAN GIBSON:** Sure. So from 9 to 9:30 the first  
25 day is supposed to be kind of the technical half an hour.

1 And it may be that once our judges got through a few of  
2 those, I may need to send a gentle reminder out and  
3 remind everybody to make sure everybody's popped on and  
4 is using it.

5 The other thing that we could do is maybe we could  
6 schedule the meeting -- even though it wasn't due to  
7 start until a certain time, you know, you could pop into  
8 Teams. I think about an hour before, there's access for  
9 you to join a meeting, although I think you have to be  
10 brought in from the waiting room because you're outside.  
11 Actually, I should probably just not talk out loud. I  
12 should think for a minute. So I don't think that'll  
13 work. Never mind.

14 We should be taking about the first half an hour to  
15 solve any technical issues for any hearing. I will be  
16 happy to remind our judges to make sure that everybody's  
17 popped on and that everybody's ready to go for that.

18 Anybody else have comments or questions on the  
19 committee?

20 (No audible response)

21 **CHAIRMAN GIBSON:** I don't see any hands raised.

22 Any public comment?

23 **MS. SAFFOLD:** Yes. We do have public comment. Let  
24 me -- we have public comment.

25 It states, "How will opportunities be provided to

1 parents who are not close to OAH offices, for example, in  
2 the entire Central Valley and all areas to west of the  
3 valley, to come into the office to participate in video  
4 mediations and hearings when they don't have sufficient  
5 videoconferencing capabilities in home?"

6 **CHAIRMAN GIBSON:** Thank you very much for that  
7 comment. That is one area OAH is still working on, and I  
8 don't have an answer to that question yet.

9 **MS. SAFFOLD:** That was the only public comment for  
10 this agenda item.

11 **CHAIRMAN GIBSON:** Any more comments or any  
12 recommendations for this agenda item from the committee?

13 (No audible response)

14 **CHAIRMAN GIBSON:** Not seeing anything -- the people  
15 I can see are shaking their heads no, and I don't see any  
16 hands raised from anyone else.

17 All right. I'm going to move forward to the next  
18 section, which was motions to continue. Instead of going  
19 through the three members that asked things, I'll just  
20 open it up to any member. If any member would like to  
21 comment or ask questions regarding motions to continue?

22 (No audible response)

23 **CHAIRMAN GIBSON:** Not seeing anything. I think that  
24 was a much bigger issue about the time we took the agenda  
25 items. And I think that a lot of that -- a lot of the

1 concerns people had have kind of been resolved as we've  
2 gone a little farther into this piece. All right. I'm  
3 going to move forward from that, then.

4 Jenn, was there any public comment on motions to  
5 continue?

6 **MS. SAFFOLD:** No public comment.

7 **CHAIRMAN GIBSON:** Okay. Open hearings. Would any  
8 member like to discuss open hearings? Comments,  
9 questions?

10 **BOARD MEMBER GROSNER:** Hi.

11 **CHAIRMAN GIBSON:** Hi.

12 **BOARD MEMBER GROSNER:** Hi. This is Marianne. Yeah,  
13 I think I brought that up, but then I heard you talking  
14 about it, and you were saying that yes, you guys are, in  
15 fact, you know, looking for platforms, but you don't have  
16 anything, as of yet, to do the actual live audio  
17 recording during the hearings, right?

18 **CHAIRMAN GIBSON:** Yes.

19 **BOARD MEMBER GROSNER:** Okay.

20 **CHAIRMAN GIBSON:** So right now, we -- here's some of  
21 the concern. So we've had open hearings in California  
22 for a long time, right? But open hearings are really by  
23 invitation only, right? So you -- word got out it was an  
24 open hearing, and we had a calendar, of course, and  
25 people could go look at it.

1           Some of our concern about just putting a YouTube  
2 list on our website of all of our hearings were the  
3 amount of personal information. And when people thought  
4 of open hearings before, they thought of whether or not  
5 they could bring their sister or whether or not some  
6 members of the public from maybe a disability rights  
7 group or members of a district could come into a hearing.

8           I didn't feel that members of the public had really  
9 ever considered that someone in a foreign country or in  
10 a -- sitting somewhere in another state could be  
11 listening to the name of the school their child went to,  
12 their child's name, the name of their teacher, the name  
13 of their friends, their doctor pieces.

14           So in an effort to make sure that we weren't  
15 violating kind of what people thought about when they  
16 thought about an open hearing, we're trying to make sure  
17 that we've got a system set up. Because open does mean  
18 open, but we wanted to make sure people truly understood  
19 what open was going to mean nowadays. You know, somebody  
20 would have had to show up at a school district office and  
21 show up at a hearing before, which is a very different  
22 situation.

23           So we're working on the ability to have a audio  
24 stream, right, because if you are at an open hearing, you  
25 don't see the evidence, normally, right? But evidence

1 during our video hearings is actually shown. So we're  
2 working on an audio-only stream to mimic what someone  
3 would be available to experience if they were in an open  
4 hearing. And that is going to be 2.0, and we're hoping  
5 to have that implemented sometime this summer.

6 **BOARD MEMBER GROSNER:** Okay, thank you.

7 **CHAIRMAN GIBSON:** And if anyone has recommendations  
8 about this and you know something and you've got some --  
9 we have our ETS people working on it. I'm pretty  
10 confident they're going to come up with something, and  
11 they're going to come up with something shortly.

12 Any more comments on open hearings?

13 (No audible response)

14 **CHAIRMAN GIBSON:** Any public comment?

15 **MS. SAFFOLD:** Yes, we do have a public comment.

16 Comment is, "I would like to have hearings be  
17 open. Why? I agree there is a need for  
18 transparency. There is a need to learn how  
19 issues are being brought up. Thank you."

20 **CHAIRMAN GIBSON:** Thank you very much.

21 Under California law, it is the student or the  
22 parent for the student who gets to decide, in every case,  
23 whether that particular case will be open. So it's not  
24 something that OAH determines, overall, just to get that  
25 piece of information out there.



1 All right. General --

2 **MS. SAFFOLD:** We have another public comment.

3 **CHAIRMAN GIBSON:** Oh. Thank you.

4 **MS. SAFFOLD:** "It is the parent's right to have an  
5 open hearing. It is not OAH's right to decide for the  
6 parent what is best for the parent and the family. Court  
7 hearings in state court and federal court are open to the  
8 public."

9 **CHAIRMAN GIBSON:** Okay. Any more?

10 **MS. SAFFOLD:** That is all at this time.

11 **CHAIRMAN GIBSON:** Okay.

12 **MS. SAFFOLD:** If we could maybe give a little bit of  
13 time to catch up, maybe ten seconds, we should be fine.

14 **CHAIRMAN GIBSON:** We're going to do general  
15 questions and concerns next, so any public comment, I  
16 think, would still fall under the general questions or  
17 concerns.

18 So is there anything else about video hearings that  
19 anyone from the team would like to ask about, talk about,  
20 make a recommendation about?

21 **BOARD MEMBER SADASIVAM:** Your Honor, I was wondering  
22 if we're going to talk about the witness subpoena forms  
23 that was on the agenda?

24 **CHAIRMAN GIBSON:** Sure. I think that ended up  
25 and -- oh, somehow that didn't end up -- thank you -- on

1 my piece of paper. Thank you so much.

2       Yeah, the witness subpoena forms, we are  
3 currently -- we put out edition 1.0 of the subpoena  
4 forms. We are working on 2.0, and it should be out  
5 pretty shortly. We've also -- regarding CaseLines, for  
6 witnesses, we are fixing it so the attorneys or the  
7 parties can invite the witnesses to put their documents  
8 into CaseLines. We're going to have a whole new set of  
9 instructions that come out shortly. They can also be  
10 sent to OAH, and we'll upload them.

11       The judge on a subpoena duces tecum, which is the  
12 subpoena that's used for documents for our hearings, the  
13 judge will likely look at them first and make some  
14 determinations regarding their relevance and other  
15 things. But we should have a more solid system in place  
16 within about the next two weeks, so I would say watch the  
17 ListServe; watch our website. We'll have some new  
18 subpoena forms. We'll have some new instructions, and  
19 we'll have some new instructions about what the witnesses  
20 should do with those documents out within the next few  
21 weeks.

22       Member Schwartz?

23       **BOARD MEMBER SCHWARTZ:** Thank you. Just a question  
24 on the new subpoena forms. Will there be any sort of  
25 notification when those are up on the website, or should

1 we just be checking to see if those are released?

2       **CHAIRMAN GIBSON:** I would recommend checking, but  
3 we'll try and do a note out to the ListServe when we do  
4 it so people will know to look there, because you can't  
5 be looking every day. So I'll try and get something out  
6 to all of you when that happens.

7       **BOARD MEMBER SCHWARTZ:** Thank you.

8       **CHAIRMAN GIBSON:** If you're not on our ListServe,  
9 please go to our website. There's a place where you can  
10 register, and you'll get -- we send out notices,  
11 periodically. We send out some information if there's  
12 something big going on. And you can get on our  
13 ListServe, for any member of the public who is not  
14 currently on our ListServe.

15       Any more comments or questions or concerns?

16       Go ahead, Ramaah.

17       **BOARD MEMBER SADASIVAM:** This is Ramaah again. I  
18 have a question about the subpoena form that's currently  
19 on OAH's website. So does an ALJ have to issue it?  
20 Because at the bottom, it seems like the ALJ does need to  
21 issue the subpoena. Can you provide some more  
22 information about that?

23       And can parties use the older subpoena form, or this  
24 is the form that they need to be using, going forward?

25       **CHAIRMAN GIBSON:** They need to be using that form,

1 going forward, because the old form is not consistent  
2 with video hearings.

3 Attorneys can issue the subpoenas themselves, but  
4 nonattorneys need to have an ALJ from OAH sign it. So  
5 they just need to send it in. We'll have a judge sign  
6 it, and we'll get it back out.

7 Any other comments, questions, concerns from members  
8 of the committee?

9 (No audible response)

10 **CHAIRMAN GIBSON:** Any public comment?

11 **MS. SAFFOLD:** Yes, we have one public comment  
12 regarding the subpoena. However, it appears to have been  
13 answered in the discussion.

14 It was, "In the meantime, can we use the old form?"

15 **CHAIRMAN GIBSON:** So we'd prefer you didn't. If  
16 you've already sent them out and you did, you can -- the  
17 ALJ in your case can deal with it for you.

18 All right. If there's no more comments -- no more  
19 public comments or committee comments, I'm going to move  
20 on to Item 15, which is use of CaseLines for evidence.

21 We've been very lucky. And when I say "lucky", I've  
22 worked for the State for seven years. I have never seen  
23 procurement happen at the speed of light that it happened  
24 so we could get CaseLines. I'm sure it felt to all of  
25 you like it was a longer period of time, but we were very

1 lucky to be able to obtain this program for evidence.

2       For those of you that haven't experienced it yet, if  
3 you have a case, right about the time of the pre-hearing  
4 conference in your case, you should be invited by email  
5 into the CaseLines program. You'll need to sign up,  
6 which is just your name and your email address. Pick a  
7 password. And that is where the parties will upload  
8 their evidence. The judge is able to see all of your  
9 evidence. The other party is able to see your evidence.  
10 There's some specific instructions that we give you about  
11 how to upload your evidence.

12       And during the hearing, you may choose to use  
13 CaseLines as your evidence while you're doing the  
14 hearing. It is a wonderful program. You can make notes  
15 on it. You can highlight things. It does wonderful  
16 searches, including searches in handwriting. It's a  
17 pretty spectacular program. It's pretty intuitive to  
18 use.

19       If you're an attorney and someone else in your law  
20 office is going to do your uploading, we have now fixed  
21 it so every attorney can invite someone else into the  
22 program. You can also invite witnesses into the program.  
23 So instead of having to send evidence out to different  
24 witnesses in your case, the party calling the witness can  
25 simply add that witness into CaseLines, send them an

1 invitation, and they'll have access to the evidence in  
2 the case.

3 The instructions are sent out, in every case, about  
4 how to use CaseLines. And as I alluded earlier, we  
5 expect to discontinue the paper evidence requirement for  
6 most cases in the fall. That does not mean that there  
7 may not be some people in the State of California that  
8 wish to proceed with paper evidence. And they will, of  
9 course, be able to make a motion, and a judge will make a  
10 ruling based on that.

11 All right. So if people want to talk about  
12 CaseLines or electronic evidence, this would be a good  
13 time. Does any member of the committee have questions,  
14 concerns, recommendations regarding CaseLines? See any  
15 hands?

16 **BOARD MEMBER MENYUK:** Really quick question --

17 **CHAIRMAN GIBSON:** Sure.

18 **BOARD MEMBER MENYUK:** -- Your Honor. Thank you. Do  
19 you know -- as I sit here today, do you know if  
20 CaseLines, you can upload audio or video files?

21 **CHAIRMAN GIBSON:** You sure can.

22 **BOARD MEMBER MENYUK:** Okay. Thank you.

23 **CHAIRMAN GIBSON:** So IEP meetings, if that's  
24 evidence in your hearing, pictures, video for your  
25 hearings, all of that can be uploaded. The weird part is

1 it gets uploaded in the section called Documents.

2 **BOARD MEMBER MENYUK:** Right. Thank you.

3 **CHAIRMAN GIBSON:** Sure.

4 Any other questions or concerns or comments or  
5 recommendations?

6 (No audible response)

7 **CHAIRMAN GIBSON:** Any public comment? Oh.

8 **BOARD MEMBER MENYUK:** Yeah --

9 **CHAIRMAN GIBSON:** Rochelle, were you talking?

10 **BOARD MEMBER MENYUK:** Sorry. I was talking. I just  
11 had another comment. When you invite someone in, can you  
12 limit the evidence that they see, or once they're in,  
13 they see everything?

14 **CHAIRMAN GIBSON:** So when you invite them into the  
15 section, you will be able to -- you'll check what they  
16 can do. So we wouldn't want a witness to upload  
17 anything, right --

18 **BOARD MEMBER MENYUK:** Right.

19 **CHAIRMAN GIBSON:** -- unless it was somebody  
20 responding to a subpoena or something. So they can read.  
21 They can download.

22 All right. Any public comment on CaseLines?

23 **MS. SAFFOLD:** Yes, we do have a few.

24 The first one is, "With uploading documents to  
25 CaseLines, is there an expectation that the parties will

1 continue to Bates stamp each exhibit? It appears  
2 CaseLines automatically Bates numbers exhibits."

3       **CHAIRMAN GIBSON:** That is correct. So CaseLines  
4 stamps it for you. Where it gets tricky is because we  
5 still have the paper pieces to it. So because the paper  
6 still needs to be Bates stamped, what some people are  
7 doing is they're uploading it first to CaseLines, having  
8 CaseLines Bates stamp it, basically, for them.

9       Bates stamping is numerically numbering every page  
10 of an evidence binder, for those people who don't know  
11 what that means.

12       And so if you actually upload your evidence first,  
13 then you download it and print it, it will have the same  
14 numbers, both on your paper evidence that's in the  
15 CaseLines evidence, so you could choose to do it in that  
16 order. Instead of stamping your evidence on paper then  
17 uploading it, you could do it upload it first, then  
18 download it and print it, and then all the numbers will  
19 match.

20       Your judge in your hearing will make a determination  
21 as to what the official record is and the official record  
22 numbers are. So, you know, this might be a time to not  
23 number your paper evidence, like, 1 through 1,000, and  
24 just keep your paper evidence internally paginated for  
25 each section. You know, there's an assessment that's



1 pages 1 to 24 and then an IEP that's pages 1 to 50, and  
2 not give them big numbers because CaseLines will do that.

3 And again, that'll disappear once we don't have the  
4 paper and the CaseLines going on at the same time.

5 More public comment?

6 **MS. SAFFOLD:** Yes. We have a couple more.

7 "For CaseLines, if I make notes, is it public to  
8 everyone with access? Also, will it have to be uploaded  
9 five days prior to hearing?"

10 **CHAIRMAN GIBSON:** So we require that it is uploaded  
11 five business days prior to the hearing. And your notes  
12 are only visible by you. However, there's another weird  
13 note section, if you're not careful, where it asks you  
14 who you want to see the note. So as long as you don't  
15 share your notes with anyone else, no one can see your  
16 notes.

17 **MS. SAFFOLD:** Okay. That's it for public comment at  
18 this time.

19 **CHAIRMAN GIBSON:** Okay. One quick thing that I just  
20 recalled, as well, that people have asked us recently is  
21 issues regarding evidence that doesn't have to be  
22 disclosed prior to a hearing but that might be used to  
23 impeach a witness or to refresh someone's recollection  
24 during hearing.

25 You should speak to the ALJ about that, but that can

1 be uploaded, or it could be saved in your computer. You  
2 could share your screen on Teams. We could see it.  
3 There's a few ways we can handle that evidence that comes  
4 up at the last minute or that you find later. You should  
5 bring that up with the judge and ask the judge to assist  
6 you and make some rulings with that.

7 Any more questions or concerns from any member of  
8 our committee?

9 (No audible response)

10 **CHAIRMAN GIBSON:** Okay. Next is Item 17, which is  
11 district standing to participate in due process hearings.  
12 And this was Member Grosner.

13 **BOARD MEMBER GROSNER:** Hi, Your Honor. Thank you.

14 So I'm just wondering is there a way that we can  
15 propose that OAH requests, like, verification from  
16 districts to assure they actually have standing to  
17 participate in due process and also that the case has  
18 actually been approved by the school board, as the Brown  
19 Act requires?

20 **CHAIRMAN GIBSON:** That sounds like a recommendation  
21 you are making. Is that a -- so let's -- I want to give  
22 everybody a chance to kind of chat about that for a  
23 minute, and then I'll ask you to remake it as a  
24 recommendation. And then we could see if there's a  
25 second.

1           So let's talk about that for a few minutes. Does  
2 any other member of the committee want to talk about that  
3 or be heard on that point? If I can't see --

4           **MS. SAFFOLD:** I'm sorry to interrupt.

5           **CHAIRMAN GIBSON:** Yes.

6           **MS. SAFFOLD:** Will we be circling back to Number 16,  
7 the peremptory challenge?

8           **CHAIRMAN GIBSON:** Did I miss it? Oh, we certainly  
9 will. I apologize. I skipped right over 16. Yes. We  
10 are. We're now doing 17. I will go back to 16.

11           My apologies, everyone.

12           **MS. SAFFOLD:** Thank you.

13           **CHAIRMAN GIBSON:** So I don't see any more member  
14 comments on that issue of standing. So would you like to  
15 make a recommendation, Member Grosner?

16           **BOARD MEMBER GROSNER:** Yes, I would, Your Honor.

17           **CHAIRMAN GIBSON:** What is your recommendation?

18           **BOARD MEMBER GROSNER:** I would like to recommend  
19 that OAH request verification from districts to ensure  
20 that they actually have standing to participate in due  
21 process and that the case has been approved by the school  
22 board, as the Brown Act requires.

23           **CHAIRMAN GIBSON:** Does anyone second that  
24 recommendation?

25           **BOARD MEMBER SENIGAR:** Paula Senigar. I second.

1           **CHAIRMAN GIBSON:** Okay. Thank you.

2           All right. Now we're going to have a voice vote.

3 And I'm going to start with the Northern California team.

4 So I'm going to call each name, and then I need you to

5 say yes or no.

6           If we cannot hear you, Danielle Christy, if you

7 could type it in for Jennifer Saffold, she will record

8 your vote for you.

9           Let's start with Rochelle Hooks. Yes or no?

10          **BOARD MEMBER HOOKS:** No.

11          **CHAIRMAN GIBSON:** Danielle Christy?

12           Going to hang tight because she probably has a

13 delay.

14          **MS. SAFFOLD:** Ms. Christy votes yes.

15          **CHAIRMAN GIBSON:** Thank you.

16           Elizabeth Schwartz?

17          **BOARD MEMBER SCHWARTZ:** No.

18          **CHAIRMAN GIBSON:** Meghan Magee?

19          **BOARD MEMBER MAGEE:** No.

20          **CHAIRMAN GIBSON:** Paula Senigar?

21          **BOARD MEMBER SENIGAR:** Yes.

22          **CHAIRMAN GIBSON:** Okay. I have gotten this far,

23 Ramaah, and I never asked you how to pronounce your last

24 name. My apologies. Will you please pronounce your last

25 name for me?

1           **BOARD MEMBER SADASIVAM:** Sure. No problem. It's  
2 [Suh-dosh'-ee-vom].

3           **CHAIRMAN GIBSON:** [Suh-dosh'-ee-vom]?

4           **BOARD MEMBER SADASIVAM:** Um-hum.

5           **CHAIRMAN GIBSON:** Member Sadasivam, what is your  
6 vote?

7           **BOARD MEMBER SADASIVAM:** Yes.

8           **CHAIRMAN GIBSON:** Thank you.

9           For our votes today, ALJ Yazigi is doing our votes.  
10 Ms. Yazigi, how many yes and how many no?

11          **ALJ YAZIGI:** We received two yeses -- three yeses  
12 and three nos.

13          **CHAIRMAN GIBSON:** Okay. So that failed to get a  
14 majority in Northern California. Now for Southern  
15 California.

16           Let's start with Dr. Sandoval?

17          **BOARD MEMBER SANDOVAL:** Yes.

18          **CHAIRMAN GIBSON:** Elaine Kooima? I didn't hear you.  
19 She is giving a thumbs up, so your voice -- there we go.

20          **BOARD MEMBER KOOIMA:** Yes.

21          **CHAIRMAN GIBSON:** Thank you.

22          **BOARD MEMBER KOOIMA:** Do you hear me?

23          **CHAIRMAN GIBSON:** Yes.

24           Eric Menyuk?

25          **BOARD MEMBER MENYUK:** Yes.

1           **CHAIRMAN GIBSON:** Lindsey Steinholt?

2           **BOARD MEMBER STEINHOLT:** No.

3           **CHAIRMAN GIBSON:** Marianne Grosner?

4           **BOARD MEMBER GROSNER:** Yes.

5           **CHAIRMAN GIBSON:** And Victor Duran, I don't think  
6 he's here.

7           All right. ALJ Yazigi, what was our totals for  
8 Southern California?

9           **ALJ YAZIGI:** Four yeses, one no.

10          **CHAIRMAN GIBSON:** So it passed in Southern  
11 California. OAH will consider the recommendation.

12          Is there any further public comment on this section?

13          **MS. SAFFOLD:** Yes. There is quite a few lengthy  
14 contributions to the public comment for this topic. So  
15 the first one.

16                 "Dear OAH Advisory Committee, I am a parent and  
17 also a member of the San Bernardino County  
18 Board of Education. I want to urge OAH to  
19 enact policies to verify that district  
20 representatives who are either filing or  
21 defending due process case are indeed  
22 authorized by the school district to litigate  
23 the matter.

24                 "As a parent of an adult student, when I  
25 file for due process, I have to show OAH proof

1 that I have educational rights. But attorneys  
2 for the district simply have to file a notice  
3 of representation. In many cases, the  
4 attorneys are being paid by the SELPA, and the  
5 school district boards have never approved the  
6 matter.

7 "I wanted to comment and share how our  
8 family has been victimized by some of the law  
9 firms districts contract with. I was involved  
10 in a litigation in the West End SELPA which  
11 lasted seven years. SELPA litigated all the  
12 way to the Ninth Circuit Court of Appeals to  
13 deny my child special education services. They  
14 lost, but the lawyers billed the district for  
15 every single minute throughout the seven years.

16 "Now, amid the coronavirus outbreak,  
17 another vendor, the law firm of Fagen Friedman  
18 & Fulfrost is suing children with disabilities.  
19 Fagen Friedman & Fulfrost has filed a myriad of  
20 legal actions to deny services to children with  
21 disabilities during the coronavirus outbreak.

22 "While most of the instances I am aware  
23 are in San Bernardino County, the issue remains  
24 the same for other counties. County funds are  
25 being utilized to pay for litigation to deny

1 special education services to students with  
2 disabilities, rather than to fund teachers or  
3 paraprofessionals to help the kids. These  
4 funds to pay lawyers to deny services are being  
5 labeled as instruction-related expense, thereby  
6 hiding what they are actually being used for.

7 "On March 18th, while our state was under  
8 stay-home orders, Fagen Friedman & Fulfrost  
9 sued our family for 12,000 dollars, arguing  
10 that they are due the money they needlessly  
11 spent on hiring private investigators to  
12 conduct surveillance of our family's attorney  
13 and private tutor.

14 "In March 2018, the Upland Unified School  
15 District school board voted unanimously to  
16 settle the case and give my daughter needed  
17 services, but yet Fagen Friedman & Fulfrost  
18 continued to pursue litigation without any  
19 board approval.

20 "Public records show that the firm spent  
21 over 124,000 dollars in an eight-month period  
22 to litigate but zero dollars to actually  
23 provide the services to the student, which is  
24 what the school board had approved.

25 "The law firm hired private investigators



1 to do surveillance on the student's attorney  
2 and private tutor. The surveillance the  
3 district paid for with education tax dollars  
4 included surveillance at home, comprehensive  
5 background, establishing whereabouts, locating  
6 picture of subject, research of social media,  
7 verifying property ownership, and DMV vehicle  
8 registration check/verification, all this to  
9 fight a request for reading instruction and  
10 related services.

11 "Please request that district attorneys  
12 offer proof to OAH that the school districts  
13 they are representing have indeed approved the  
14 due process case before you."

15 We do have two more additional comments for this  
16 agenda item. Would you like me to go ahead and read  
17 those now?

18 **CHAIRMAN GIBSON:** Yes, please.

19 **MS. SAFFOLD:** Okay. The next comment.

20 "Dear OAH Advisory Committee, I am the parent  
21 of two children with autism. In a forty-eight-  
22 hour period, the law firm Fagen Friedman &  
23 Fulfrost sued both my children. I was forced  
24 to hire attorneys to defend my children's  
25 rights and spent over two weeks in January and

1 February in special education due process  
2 hearings.

3 "One of my children was not attending  
4 public schools, as our family was paying for  
5 private education. Yet Fagen Friedman &  
6 Fulfrost sued my child in the event that he  
7 should ever consider coming back to the  
8 district.

9 "From April 14th, while in shutdown due to  
10 the coronavirus outbreak, Fagen Friedman &  
11 Fulfrost filed a third new legal action to deny  
12 my son assessments. The due process cases  
13 against my children have never been approved by  
14 the school board. It appears that Fagen  
15 Friedman & Fulfrost has figured out a loophole  
16 to the education system, where they essentially  
17 get a blank check for their billing.

18 "I want to urge OAH to enact policies to  
19 verify that district representatives who are  
20 either filing or defending a due process case  
21 are indeed authorized by the school district to  
22 litigate the matter. Please request that  
23 district attorneys offer proof to OAH that the  
24 school districts they are representing have  
25 indeed approved the due process case before

1           you."

2           The last public comment on this topic is:

3           "Dear OAH Special Education Advisory Committee  
4           Members, thank you for the opportunity to  
5           provide public comment.

6           "          In today's world, there is a lot of  
7           inequality and discrimination in special  
8           education. I feel our special needs children  
9           are being discriminated terribly. We won't  
10          stay silent any longer. We can't breathe. Our  
11          children deserve quality in education. For  
12          that reason, we have created the You Too  
13          Movement / Every Student Successful More  
14          Education / Less Litigation (ph.).

15          "          My name's Mrs. Arias (ph.). I am a  
16          parent of three special needs children. All of  
17          them require an IEP and special education. My  
18          local SELPA is in Fontana, California. For  
19          several years, I have been forced to fight to  
20          receive assessments, eligibility, and even  
21          services. I have done Public Records Act  
22          requests for years, and I have come to learn  
23          that my local SELPA department uses thousands  
24          of dollars to pay high-priced legal firms to  
25          defend themselves and to litigate against

1 special needs families.

2 "My SELPA has paid almost \$469,953.23 for  
3 the three years alone. I'm providing you the  
4 list of invoices and payment information for  
5 your review. Many times, my SELPA has filed  
6 against my family to exit my children, to deny  
7 IEEs, and to remove services. I believe it is  
8 necessary to ask for local audits to learn how  
9 much of our hard-earned tax dollars are being  
10 spent to litigate.

11 "Once again, we cannot breathe. Our  
12 special education children deserve quality in  
13 education. Please send out a message that  
14 children with disabilities are worth your time  
15 and attention. Please support audits for our  
16 local SELPAs. I also request transparency on  
17 settlements through ADR mediation and DP. I  
18 believe settlement information should also be  
19 part of your website. Thank you for your  
20 consideration and time."

21 And that concludes the public comment at this time.

22 **CHAIRMAN GIBSON:** All right. Any more comments from  
23 any members of our committee before I move on or move  
24 back to Item 16, which I inadvertently skipped?

25 **BOARD MEMBER SENIGAR:** This is Paula Senigar. I

1 have a question.

2 **CHAIRMAN GIBSON:** Yes.

3 **BOARD MEMBER SENIGAR:** Does OAH currently have a  
4 policy to evaluate the district standings to participate  
5 in due process?

6 **CHAIRMAN GIBSON:** No.

7 **BOARD MEMBER SENIGAR:** Thank you.

8 **CHAIRMAN GIBSON:** Anything else?

9 Looks like, Jennifer, one more public comment?

10 **MS. SAFFOLD:** Yes, a couple more have come in.

11 "There is a lot of inequity and inequality. I  
12 became a nonrelated legal guardian to a  
13 sixteen-year-old African American student,  
14 received foster care benefits for him, and used  
15 money to hire special."

16 I am a parent of a special ed children --

17 "I'm a parent of special ed children for  
18 several years. I have been forced to litigate  
19 with district. My district filed due process  
20 on our family approximately four times. This  
21 is without school district authorization.

22 Please ask OAH proof of all litigation. Thank  
23 you."

24 And that is all that we have received at this time.

25 **CHAIRMAN GIBSON:** Okay. All right. I'm going to

1 move on to the Agenda Item 16, which is a peremptory  
2 challenge change beginning July 2020.

3 For those of you that don't know, a peremptory  
4 challenge is a challenge that can be made without cause  
5 for any ALJ. There's two types of challenges when a  
6 judge is assigned to your case. A peremptory challenge  
7 is kind of a free challenge. You don't have to state a  
8 reason. You just kind of -- you just get the ability to  
9 say, I don't want Judge X to hear my case.

10 Challenge for cause is different. That would mean  
11 that there was some reason that this judge shouldn't hear  
12 your case. It's a different kind of motion. I am not  
13 going to be discussing challenge for cause today. Those  
14 will remain as they always have. You could make a motion  
15 that this judge has a bias or something. Those are  
16 different.

17 Peremptory challenges is what I'm talking about. In  
18 cases filed July 1st, 2020 and later, the parties will be  
19 sent a list of all special ed ALJs with the scheduling  
20 order they get when the case is filed. It will have a  
21 list of all our special ed ALJs. The parties will have  
22 fifteen calendar days to return that form if they would  
23 like to make a peremptory challenge in their case.

24 So you'll mark if there's a certain judge you don't  
25 want to hear your case. You'll mark it. You'll file it

1 with OAH. It's due fifteen days after you get the  
2 scheduling order.

3 For any existing case filed prior to July 1st, 2020,  
4 the parties, during the month of July, will receive the  
5 same list of all ALJs. If the party has not yet made a  
6 peremptory challenge in their case, that party will have  
7 fifteen calendar days to return the form to OAH to make a  
8 peremptory challenge or three days before the scheduled  
9 PHC in their case, whichever is earlier.

10 It is a change from the way that peremptory  
11 challenges have been handled at OAH. When the Special  
12 Education Hearing Office had the contract, prior to 2005,  
13 there were no peremptory challenges for administrative  
14 law judges doing special education hearings. When they  
15 came to OAH, there is a section of the APA that we had  
16 been using for peremptory challenges. But that section  
17 of the APA has to be opted into by the agency, by  
18 regulation, saying that they want it to be used.

19 CDE never opted in to that regulation by their own  
20 regulation, so they never opted in to the peremptory  
21 challenge. So in our new contract with CDE, effective  
22 July 1st, we had only been doing it through contract with  
23 CDE. Those contract terms have been changed, and this is  
24 the way that OAH is going to be handling our peremptory  
25 challenges, effective July 1st, 2020.

1           So I'll now open it up for questions, concerns,  
2 comments.

3           Eric?

4           **BOARD MEMBER MENYUK:** Yeah, a couple things. On  
5 that list, still only one, or do we get, like, a  
6 smorgasbord, where you just, like, check off --

7           **CHAIRMAN GIBSON:** No, no, it's one.

8           **BOARD MEMBER MENYUK:** Okay, thank you. Yeah, but on  
9 a more serious note, so what happens when, not for any  
10 challenge but for scheduling reasons, a judge is changed  
11 and you haven't done a peremptory challenge?

12          **CHAIRMAN GIBSON:** You have fifteen days from the  
13 beginning to tell us what judge you never want assigned  
14 to that case. So that judge will never be assigned. So  
15 you won't --

16          **BOARD MEMBER MENYUK:** Got it.

17          **CHAIRMAN GIBSON:** -- have an assignment prior to  
18 making that peremptory.

19          **BOARD MEMBER MENYUK:** Got it. So then it will be  
20 one of the other judges if it got switched?

21          **CHAIRMAN GIBSON:** Yeah.

22          **BOARD MEMBER MENYUK:** Okay, thank you.

23          **CHAIRMAN GIBSON:** And there's still one per party  
24 per case.

25          Any other questions, concerns, comments? Oh, come



1 on. I thought this was going to be way more raucous than  
2 this is.

3 (No audible response)

4 **CHAIRMAN GIBSON:** Any public comment?

5 **MS. SAFFOLD:** There is no public comment on this  
6 agenda item. If we could just wait one second, I'm  
7 making sure that there's no technical difficulties,  
8 though.

9 **CHAIRMAN GIBSON:** Sure.

10 **MS. SAFFOLD:** Okay. Looks like we're good to  
11 proceed. Thank you.

12 **CHAIRMAN GIBSON:** Okay. I'm going to move, now, to  
13 Agenda Item 18, which is updates to OAH decision and  
14 orders database. Those were Members Schwartz and  
15 Steinholt.

16 I guess I'll just speak a little bit before you  
17 start.

18 All of our decisions have -- are available on our  
19 website. They are now all in an accessible format. They  
20 are available with the search function, available on the  
21 website. So I'll go to Member Steinholt first, and then  
22 I'll go to Member Schwartz, and then I'll open it up to  
23 everybody.

24 Member Steinholt?

25 **BOARD MEMBER STEINHOLT:** Yeah. I was just wondering

1 if there's any update on OAH plans to put orders on the  
2 website so that we can search for orders or what the  
3 status of that is, and then if there's any intent to  
4 refine the decision search to make it easier to locate  
5 certain decisions.

6       **CHAIRMAN GIBSON:** Sure. My hope is that by second  
7 quarter of the new fiscal year, so sometime before the  
8 end of this calendar year, we have our -- we start  
9 putting our orders back up again. Our orders, because  
10 they were so old, in many cases, and they were just  
11 sitting in the database, policies had changed; procedures  
12 had changed; law had changed. And there is no way for  
13 people to know, especially with older orders, whether or  
14 not that was still the standard OAH was using. And it  
15 was really causing some confusion.

16       So we are going to re-put the orders that are newer  
17 on the website, and we are going to put in place  
18 something to where we can have a manageable number on  
19 there, so they'll be helpful for the members of the  
20 public.

21       For instance, once there's a hundred continuance  
22 orders up there, I don't know that the 101st continuance  
23 order's really going to help. But, like, the hundredth  
24 stay-put order would be really helpful, right, because  
25 those are so fact-dependent and very different. So our

1 hope is to have those available by second quarter on the  
2 website.

3       As to making the website search function more  
4 functional, we had hoped that that was something we may  
5 be able to do, financially, this upcoming year. And I  
6 have a feeling that it is not going to be in the cards  
7 with the State of California, given the current budget  
8 issues, to be able to upgrade that. It was something we  
9 were looking to do. I suspect that it will be something  
10 that happens not this fiscal year.

11       The requirement in the law is, technically, that we  
12 make them available. It's not that we offer a search. I  
13 think the search is very important. Our judges like the  
14 search. I mean, it isn't something that we -- we know it  
15 needs some work, but realistically, I just don't  
16 financially see that, probably, on the table this year.

17       What some people have done is if you would like to  
18 send us a request, we can send you the bank on a CD or a  
19 thumb drive, and you can, you know, search it yourself.  
20 I don't know that that gets you any better results than,  
21 currently, it does on our website, and it won't be  
22 updated or anything. It would just be the previous ones.  
23 And if there's a specific case you're looking for, you  
24 can, of course, contact us, and we'll get you whatever  
25 specific case you're looking for.

1           **BOARD MEMBER STEINHOLT:** Thank --

2           **CHAIRMAN GIBSON:** Go ahead.

3           **BOARD MEMBER MENYUK:** Yeah, quick question.

4           **BOARD MEMBER STEINHOLT:** I --

5           **BOARD MEMBER MENYUK:** I'm sorry.

6           **CHAIRMAN GIBSON:** I'm going to go back to -- that's  
7 okay. I'm going to stick with Member Steinholt. Then  
8 I'll go to Schwartz. Then I'll go to you, Member Menyuk.

9           **BOARD MEMBER MENYUK:** Thank you.

10          **BOARD MEMBER STEINHOLT:** I was just saying thank  
11 you, Your Honor.

12          **CHAIRMAN GIBSON:** You're welcome.

13                   Member Schwartz?

14          **BOARD MEMBER SCHWARTZ:** Yes. I do have a comment,  
15 but I wanted to follow up on something. Did you say that  
16 some of the orders -- that all orders will not be put up  
17 but that it will be selective, that some will be? Did I  
18 understand that correctly?

19          **CHAIRMAN GIBSON:** Yes. That's what the regulation  
20 calls for. The regulation doesn't require that all  
21 orders are posted.

22          **BOARD MEMBER SCHWARTZ:** And then I just wanted to  
23 clarify. I do see that the decision section of the  
24 website has been updated. I see there are 177 cases,  
25 currently. Does that include all of the OAH decisions?

1 That seems --

2 **CHAIRMAN GIBSON:** There's 2,000 decisions or so up  
3 there --

4 **BOARD MEMBER SCHWARTZ:** Right.

5 **CHAIRMAN GIBSON:** -- that are in there. It's all of  
6 our decisions back to -- and I'm going to ask Jenn to  
7 help me here -- I think it's 2005.

8 **MS. SAFFOLD:** Yes. It's all available decisions  
9 from that time period.

10 **BOARD MEMBER SCHWARTZ:** Okay. Perhaps my browser is  
11 not showing everything right now. As I went to the  
12 website, for some reason, only 177 are appearing.

13 **CHAIRMAN GIBSON:** It may only pull that amount if  
14 you're not do -- I mean, it may be relative to the search  
15 or something, and it may only pull -- but they're all  
16 there. As a matter of fact, we've recently put them all  
17 back in and --

18 **BOARD MEMBER SCHWARTZ:** Okay.

19 **CHAIRMAN GIBSON:** -- or put them all in a different  
20 place, and they're all -- they've all been made  
21 accessible. So I feel very confident they're there.

22 **BOARD MEMBER SCHWARTZ:** Okay. Yeah, just if you go  
23 directly to the website and search decisions without  
24 putting anything in the search bar, it says, out of 177  
25 results. But I trust that they're all there and it's

1 just a --

2 **CHAIRMAN GIBSON:** I promise.

3 **BOARD MEMBER SCHWARTZ:** -- glitch. Okay, thank you.

4 **CHAIRMAN GIBSON:** All right. Member Menyuk?

5 **BOARD MEMBER MENYUK:** Really quickly, again, Your

6 Honor, you had mentioned you can order a bank of -- is

7 that just the decisions, or is that the orders as well?

8 **CHAIRMAN GIBSON:** Just the decisions.

9 **BOARD MEMBER MENYUK:** And who does that request go

10 to?

11 **CHAIRMAN GIBSON:** Send it in to --

12 Jenn, who do we send it to? Probably -- who do you

13 think?

14 **MS. SAFFOLD:** They can be sent to me, and we'll --

15 we should process them.

16 **BOARD MEMBER MENYUK:** Thank you.

17 **CHAIRMAN GIBSON:** And again, we are a State agency.

18 We do our very best. We happen to have a few people out,

19 so we will do our best to process it as soon as we can.

20 I can't guarantee super-fast turnarounds, but we will

21 absolutely do our best. And again, we don't update them,

22 so you're only going to get the pile that exists.

23 Anybody have any other comments or questions?

24 **BOARD MEMBER SENIGAR:** Hi. This is Paula Senigar.

25 I have another question.

1           **CHAIRMAN GIBSON:** Sure.

2           **BOARD MEMBER SENIGAR:** How will OAH filter and  
3 select the orders that will be posted?

4           **CHAIRMAN GIBSON:** So technically, the regulation  
5 says I get to decide, based on their importance to the  
6 community. So we are going to give a variety of all  
7 kinds of orders that we do, right? So every kind of  
8 order will be represented: orders on stay put, orders on  
9 continuances, orders on sanctions, orders -- pre-hearing  
10 conference orders.

11           But at some point, filtering through 4,000  
12 continuance orders versus 10 stay-put orders doesn't make  
13 a lot of sense. So we are going to make sure that every  
14 kind of order is well represented up there, but once  
15 there's, for example, ten continuance orders that were  
16 granted because someone was about to give birth to a  
17 baby, then I don't know that the twelfth or thirteenth  
18 order on that same exact issue offers any more insight  
19 for a person deciding whether or not they should file a  
20 continuance and how they should write it to write it.

21           But a continuance order that might be about a trip  
22 or a witness being unavailable or other things, we'll try  
23 and get as wide a variety out there. The purpose of  
24 having the orders available online, as I see it, is both  
25 transparency but also so if you're thinking of filing a

1 motion, you can see what the orders are on that same  
2 issue by different judges and get a feel for what you  
3 should be arguing, what you should be pleading, what kind  
4 of information is looked for, how likely it is it might  
5 be granted.

6       So I want to make sure we've got a wide enough  
7 variety of orders on there so people can see what they're  
8 doing. Orders simply granting a mediation -- both  
9 parties agree they want to mediate on June 20th; we issue  
10 an order and grant it -- I don't know that those are  
11 particularly helpful. They have no writing on them.  
12 There's no thought process that goes into them. I don't  
13 mean there's no thought process, but I mean you can't  
14 look at that later and figure out what happened. The two  
15 parties stipulated it was their first mediation. They  
16 got to pick the date.

17       So we want to make sure that the orders that are up  
18 are informative to people and they help people decide how  
19 to proceed in their own case, to the extent that they can  
20 get some help from that.

21       Did that answer your question?

22       **BOARD MEMBER SENIGAR:** Yeah. I think for me, my  
23 concern as a parent and also an advocate is that the  
24 orders provide transparency and they can show systemic  
25 issues. So I would just be very concerned about what



1 orders were posted, what orders are not posted, because  
2 something that's important to a parent may be -- may not  
3 be important to OAH. So I just wanted to say that.  
4 That's a concern of mine.

5 **CHAIRMAN GIBSON:** Sure.

6 Would anybody else like to comment, concerns?

7 **BOARD MEMBER GROSNER:** I had a comment.

8 **CHAIRMAN GIBSON:** Member Grosner?

9 **BOARD MEMBER GROSNER:** Thank you, Your Honor.

10 You guys were talking about the search function. I  
11 don't know if it was just me. I actually have a hard  
12 time with the search function. I don't -- I can't seem  
13 to search on very simple things. And I'm wondering is  
14 this -- is anybody else having that problem as well?

15 **CHAIRMAN GIBSON:** Oh, it's not just you.

16 **BOARD MEMBER GROSNER:** Okay.

17 **CHAIRMAN GIBSON:** It's a very rudimentary search  
18 function -- very, very rudimentary.

19 **BOARD MEMBER GROSNER:** Okay. All right.

20 **CHAIRMAN GIBSON:** It's not you.

21 **BOARD MEMBER GROSNER:** It's not me? Thank you.  
22 Because I'm a IT person. I'm like, I'm not able to  
23 figure this out.

24 **CHAIRMAN GIBSON:** You know -- yeah.

25 **BOARD MEMBER GROSNER:** And the other thing I just

1 wondered, how long does it take from when a case closes?

2 How long does it take to get into the database?

3       **CHAIRMAN GIBSON:** Pretty quickly. So when an order  
4 is issued, at the end of every month -- a decision  
5 issued -- the end of every month a decision is issued,  
6 they are uploaded into our database.

7       You've seen some differences, over the last six  
8 months to a year, because we needed to reformat our  
9 decisions that we had previously issued to make sure they  
10 met the legal accessibility requirements that have come  
11 into play in the last few years. So we reformatted some,  
12 so there was some in and out, kind of, for the decisions.  
13 But they are now all completely done, completely up  
14 there, and that's where they sit.

15       **BOARD MEMBER GROSNER:** Okay. All right. Thank you.

16       **CHAIRMAN GIBSON:** So you may have had more weirdness  
17 than usual the last few months in trying --

18       **BOARD MEMBER GROSNER:** Okay.

19       **CHAIRMAN GIBSON:** -- to find.

20       **BOARD MEMBER GROSNER:** All right. Thank you very  
21 much.

22       **BOARD MEMBER MENYUK:** Just one comment, which is I  
23 would agree with Member Schwartz that it looks like the  
24 website currently only has 177 decisions. Hopefully,  
25 that'll be updated.

1 But also, it says it's from July 1, 2012. And I  
2 know you said 2005, but it used to say 2005. And now  
3 it's saying July 1, 2012.

4 **CHAIRMAN GIBSON:** It's 2005. We'll fix that.

5 **BOARD MEMBER MENYUK:** Okay.

6 **CHAIRMAN GIBSON:** Anybody else?

7 (No audible response)

8 **CHAIRMAN GIBSON:** Any public comment?

9 **MS. SAFFOLD:** Yes. We have quite a few public  
10 comments on this topic.

11 The first is, "Where can we, the public" -- and most  
12 of these have been addressed through the discussion of  
13 this agenda item.

14 The first is, "Where can we, the public, access  
15 special education decisions issued by OAH, and how do we  
16 access the previous decisions, since they do not seem to  
17 be working on the website?"

18 **CHAIRMAN GIBSON:** They're on the website, and it  
19 works. It's just not a great search function.

20 **MS. SAFFOLD:** Next comment.

21 "Will the OAH database include orders? Again,  
22 when OAH changed its online database, it lost  
23 the orders online. We are requesting that the  
24 orders also be posted. Thank you."

25 **CHAIRMAN GIBSON:** They will be.

1           **MS. SAFFOLD:** Next comment, "The website indicates  
2 only 177 results for OAH decisions without an initial  
3 search. Sounds like we should be able to request all of  
4 the decisions from a specific school district and get a  
5 bank of decisions."

6           **CHAIRMAN GIBSON:** So it looks -- I mean, you could  
7 put the name of the school district in and do a search.  
8 The other thing I will tell you that I will do, because  
9 it's -- we're getting that weird 177 thing back, is we'll  
10 put in a ticket with our ETS people and see if we can  
11 figure out why it's returning that weird number at the  
12 end and see if we can figure that out.

13           **MS. SAFFOLD:** Another comment, "I only see 177  
14 decisions available. What is the name of the person we  
15 are to direct requests for a thumb drive of OAH decisions  
16 to date?"

17           Another related comment, "Can you provide contact  
18 information to receive the bank of decisions?"

19           And the last --

20           **CHAIRMAN GIBSON:** So --

21           **MS. SAFFOLD:** -- comment -- oh, go ahead.

22           **CHAIRMAN GIBSON:** I was going to say, so it can go  
23 to Jennifer Saffold. Poor Jenn's email is about to get  
24 blown up. It's Jennifer, J-E-N-N-I-F-E-R, dot  
25 S-A-F-F-O-L-D at dgs.ca.gov. But you can also pop onto

1 our website, and there's a couple areas where you can ask  
2 a question or hit a link. You're welcome to do it there.  
3 There's a feedback place. We can help you with it there.

4 And again, we'll get it to you as quickly as we can,  
5 but it's not something that's updated. You're probably  
6 better off, long term, on the website, because it will  
7 have the updated ones. But you're welcome -- we'll give  
8 you what we have. And we will also see if we can figure  
9 out why it says 177. We know they're all there because  
10 we've recently looked at them in the giant file that the  
11 search pulls from. So we will -- we'll see if we can  
12 figure out why it says 177. But I promise you they're  
13 there.

14 **MS. SAFFOLD:** (Indiscernible).

15 **CHAIRMAN GIBSON:** Sometimes different browsers work.  
16 Sorry, Jenn.

17 Sometimes different browsers work differently. If  
18 you're struggling with, like, Internet Explorer, try  
19 Chrome. Try a couple different explorers. Some people  
20 actually get different results based on different  
21 browsers.

22 I'm sorry. Go ahead.

23 **MS. SAFFOLD:** One moment.

24 "Another question, again, reiterating one of the  
25 members' statements. Currently, there are only 177

1 decisions before filtering the decisions, so where should  
2 we be searching to find the 2,000-plus orders?"

3 **CHAIRMAN GIBSON:** They're there.

4 **MS. SAFFOLD:** "I just did a search based on my last  
5 name as a participating attorney. Only three case  
6 decisions show up, but I have been involved in over ten  
7 case decisions where I know my name is listed. This  
8 tells me that not all recent case decisions are  
9 accessible."

10 And the last public comment on this topic is, "This  
11 is Ms. Arias. The website is very difficult to search.  
12 Can OAH have an agency look into it and fix it?"

13 And that is it for this -- the public comment on  
14 this agenda item.

15 **CHAIRMAN GIBSON:** All right. Anything else from the  
16 committee on this agenda item?

17 (No audible response)

18 **CHAIRMAN GIBSON:** Don't see any hands. All right.  
19 I am going to move on, next, to public comments. This  
20 time is set aside for individuals desiring to speak on  
21 any topic not otherwise on the agenda. In all cases, I  
22 reserve the right to impose time limits. And we said  
23 earlier, it'd be three minutes a person.

24 Are there any general public comments?

25 **MS. SAFFOLD:** Yes, we have a few.

1           The first is, "Will" -- this is a late comment in  
2 regards to peremptory challenges. "Will OAH post a  
3 written explanation of the new procedure for peremptory  
4 challenges?"

5           **CHAIRMAN GIBSON:** Yes. We'll also send it out to  
6 everybody.

7           **MS. SAFFOLD:** Another public comment, "Dear Judge,  
8 please allow public comments before the committee votes  
9 on the item. Otherwise, it is sending out the message  
10 that the public comments are meaningless."

11           **CHAIRMAN GIBSON:** I apologize if I missed that  
12 earlier. That was not my intent. There's a lot to  
13 shuffle.

14           **MS. SAFFOLD:** Okay. And then the last public  
15 comment at this time is:

16                   "I became a nonrelated legal guardian for a  
17 African American student when he was sixteen  
18 years old. His mom was homeless and mentally  
19 ill. Dad was illiterate and abusive. I wanted  
20 to break the cycle of poverty for him. I hired  
21 a special ed attorney to get him reading  
22 remediation. At twenty-seven, he was tested at  
23 second-grade reading. I spent one and a half  
24 years with attorney for him at IEP for him.

25                   "District used Dannis Woliver Kelley

1 attorney, who has been at many trials against  
2 special ed students. Because he was on free  
3 lunch, district received additional money from  
4 CDE to close the achievement gap from Local  
5 Control Funding Formula LCAP.

6 "Fall of 2018, student attempted suicide,  
7 saying he wishes he didn't have dyslexia. He  
8 had severe reading disability.

9 "Four months later, attorney and assistant  
10 principal denied him reading remediation. We  
11 received letter saying he is college-career  
12 ready. I would have gone to due process, but  
13 he left home. I have noticed that the law  
14 firms hired by district are primarily white,  
15 using taxpayer dollars, denying reading  
16 remediation.

17 "So many African Americans are in prison,  
18 can't read, and have reading disabilities. How  
19 can these individuals afford attorney to read?  
20 To me, there is white privilege in special ed.  
21 Hashtag Black Lives Matter, hashtag Until  
22 Everyone Can Read."

23 And additional comment is, "Dear OAH, please allow  
24 public to make public themselves by calling in. Thanks.  
25 Mrs. Arias."



1           And that concludes all the public comment that has  
2 been received thus far.

3           **CHAIRMAN GIBSON:** All right. Then I'm going to go  
4 ahead and adjourn our meeting. Thank you all very, very  
5 much for participating, both members of our committee,  
6 OAH employees, and members of the public for  
7 participating online.

8           And I look forward to the agenda for the next  
9 meeting and to see you all again the third Friday in  
10 October. Thank you all very much. Have a great day.

11           (End of recording)

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