

OFFICE OF ADMINISTRATIVE HEARINGS  
SPECIAL EDUCATION DIVISION  
RESPONSE TO ADVISORY COMMITTEE  
RECOMMENDATIONS FROM OCTOBER 2021 MEETING

The recommendations identified below were put forth by the Special Education Advisory Committee at the October 15, 2021 meeting. Each recommendation was offered in relation to an agenda item the Committee discussed, public comment was offered, and the Committee voted to move the recommendation to OAH for response. For each recommendation, the last name of the recommending committee member is identified, as well as the last name of the seconding member. The "outcome" identifies whether the Committee's vote passed or failed to move the recommendation to OAH for response.

AGENDA ITEM 14

Recommendation by SADASIVAM: That OAH provide the Advisory Committee with information on how OAH saves decision file names and whether an option exists to provide recipients with files that have names that may be edited.

**Second:** GROSNER.

**Outcome:** Passes.

## RESPONSE TO AGENDA ITEM 14:

OAH issues final decisions that may not be edited. No option exists to provide them in files with document names that can be edited. OAH provides copies of decisions on the website and through Listserv as reference materials.

## AGENDA ITEM 16

Recommendation by MENYUK: That OAH hereafter post all orders on its website.

**Second:** GROSNER.

**Outcome:** Passes.

## RESPONSE TO AGENDA ITEM 16:

OAH is required to post orders on the website that the Special Education Division deems to be of sufficient importance to be of assistance to members of the public appearing before the agency on special education matters. The sample orders on the website include rulings on amended complaints; consolidating matters; continuances; dismissing complaints, parties, or issues; expedited issues and cases; notice of insufficiency; orders to show cause; peremptory challenge; and stay put. OAH has deemed the samples posted on the website to be of sufficient importance to be of assistance to the public. OAH declines to accept this recommendation.

## AGENDA ITEM 17

Recommendation by SADASIVAM: That OAH provide the Advisory Committee with an update regarding any new decision search capabilities other than Box.com.

**Second:** SCHWARTZ.

**Outcome:** Passes.

#### RESPONSE TO AGENDA ITEM 17:

Currently, OAH does not have an update regarding any new decision search capabilities other than Box.com. When an update is available, OAH will announce the update through the Listserv within 30 days.

#### AGENDA ITEM 18

Recommendation by SADASIVAM: That OAH maintain, on the Advisory Committee website, the agendas, meeting summaries, meeting transcripts, and responses to recommendations from Advisory Committee meetings for the past two years.

**Second:** GROSNER.

**Outcome:** Passes.

#### RESPONSE TO AGENDA ITEM 18:

Beginning with the October 15, 2021, meeting, OAH will maintain Advisory Committee Agendas and OAH's Responses to Advisory Committee Recommendations on the Advisory Committee website for a period of not less than five years. OAH agrees to the recommendation as to meeting summaries and meeting transcripts for prior Advisory Committee meetings as OAH will post all available and accessibility compliant Advisory Committee documents, and work to remediate other relevant items as resources permit, with an archive limit of five years.

## AGENDA ITEM 19

Recommendation by SENIGAR: That the names and titles of each public employee who serves on the OAH panel who responds to the Advisory Committee's recommendations be posted on the OAH website for the public to access.

**Second:** GROSNER.

**Outcome:** Passes.

## RESPONSE TO AGENDA ITEM 19:

Pursuant to applicable regulations, OAH consults with the Advisory Committee in areas such as revisions to the OAH website, forms, documents, scheduling procedures, staff training, and outreach for families and students. The requested information is not within the purview of the Advisory Committee.

## AGENDA ITEM 20

Recommendation by SCHWARTZ: That OAH issue responses to Committee recommendations at least five business days before agenda items are due for the next Advisory Committee Meeting.

**Second:** HOOKS.

**Outcome:** Passes.

## RESPONSE TO AGENDA ITEM 20:

Effective with these responses to the October 15, 2020, Advisory Committee Recommendations, OAH will respond to Advisory Committee Recommendations at least five business days before agenda items are due for the next Advisory Committee Meeting.

## AGENDA ITEM 21

Recommendation by GROSNER: That OAH consider a modification to its interagency agreement with CDE to ensure verification of authority to file for due process is required of both parties.

**Second:** SENIGAR.

**Outcome:** Passes.

## RESPONSE TO AGENDA ITEM 21:

This request is outside the purview of the Advisory Committee. OAH has no statutory or regulatory authority to inquire into the nature of the relationship between parties and their legal representatives.

## AGENDA ITEM 22

Recommendation by GROSNER: That OAH provide more training for case managers in the guidance of filing due process for self-represented parties.

**Second:** SENIGAR.

**Outcome:** Passes.

## RESPONSE TO AGENDA ITEM 22:

While recommendations regarding staff training are within the scope of the Advisory Committee, this recommendation is not sufficiently clear as to the nature of the training recommended. Staff may not offer legal advice regarding the filing a due process complaint. However, OAH provides trained mediators upon request to assist self-represented parents and students to prepare a request for due process.

## AGENDA ITEM 23

Recommendation by GROSNER: That OAH look into implementing the self-help section of the OAH website to make it more user-friendly and provide more examples to self-represented parents.

**Second:** SENIGAR.

**Outcome:** Passes.

## RESPONSE TO AGENDA ITEM 23:

OAH is unable to ascertain what is recommended by this item. The recommendation is not clear as to what would make the website more user-friendly. OAH regularly updates self-help materials on the website to provide current information for self-represented parents and students. OAH consults with the Advisory Committee regarding website self-help for self-represented parents as part of the regulatory mandate establishing the Advisory Committee.