

OFFICE OF ADMINISTRATIVE HEARINGS
SPECIAL EDUCATION DIVISION
ADVISORY COMMITTEE

December 16, 2022 – Continuation of October 21, 2022

9:00 AM – 5:00 PM

OFFICE OF ADMINISTRATIVE HEARINGS
MEETING LOCATIONS

This meeting will be held virtually. All members will be sent an email with a link to attend the meeting. All members of the public wishing to attend, may do so by following this link:

<https://oah-dgs-ca-gov.zoomgov.com/j/1606919791%20%E2%80%AF>

Public comment can be provided verbally or in writing during the Advisory Committee Meeting. Please review the information below on how to participate in a Zoom Webinar, including how to provide verbal comment. To provide public comment in writing, please email to SEACComments@dgs.ca.gov, prior to and during the meeting.

The upcoming Advisory Committee meeting will be held via Zoom Webinar. If you would like more information on attending Zoom Webinars, please visit the [Zoom Attending Webinars Support](https://support.zoom.us/hc/en-us/sections/4415032875789-Attending-Webinars) page at this URL: <https://support.zoom.us/hc/en-us/sections/4415032875789-Attending-Webinars>

MISSION

The Advisory Committee is a committee composed of parents, attorneys, advocates, school employees and other stakeholders, the majority of whom are parents and advocates or attorneys for parents. The Advisory Committee provides non-binding recommendations regarding revisions to OAH's website, forms, documents, procedures, and policies, as provided within the regulatory mandate establishing the Advisory Committee.

AGENDA

1. Explanation of meeting format
 - a. Interpretation Feature and Introduction of Interpreter
 - b. Zoom Webinar
 - c. Recording of Meeting
 - d. Public Comment
 - e. Resumption of October 21, 2022 Advisory Committee and will continue on Agenda Item 18 after Agenda Items 2, 3, 4, and 9.
2. Welcome and Introduction
3. Overview of Advisory Committee meeting process
4. Introduction of Committee Members
5. Introduction of OAH Staff in attendance
6. Introduction of New OAH Staff since last meeting
7. Application period for new Members – Discussion of Member terms
 - a. Members whose terms will expire.
 - b. Application process to fill Member position.
8. Expectations of Members
9. Open Meeting Act

10. Selection of Chair for Northern Agenda Collector for June 2023 Meeting
11. The Office of Administrative Hearings [responses to the June 2022 meeting recommendations](#) on the Office of Administrative Hearings website at <https://www.dgs.ca.gov/OAH/Case-Types/Special-Education/Services/Page-Content/Special-Education-Services-List-Folder/Advisory-Committee>
12. Office of Administrative Hearings Agenda Items
 - a. Late Cancellation of Mediations
 - b. Calls to Case Managers Regarding Continuance Rulings
13. That OAH put together a panel of self-represented parents to solicit input to improve the due process system for unrepresented parties.
(Submitted by Southern CA Committee)
14. That OAH's interactive dashboard lists all of the school districts in California in the drop-down menu so families can search cases by school districts. (Submitted by Southern CA Committee)
15. That OAH update the dashboard to reflect more current information.
(Submitted by Southern CA Committee)
16. That OAH begin the meeting by outlining the purpose of the committee in terms of what the committee can advise on. (Submitted by Member Rochelle Hooks)
17. That OAH inform the Special Education Local Plan Area, known as SELPA, when there is a due process filing involving a Local Educational Agency that belongs to the SELPA. (Submitted by Jessica Little)
18. Use and Access to OAH Orders and Decisions.
 - a. That OAH post all orders on its website accessible to the public.
Alternatively, if OAH declines to post all orders on its website, if

- OAH posts an order in a specific case, it should post all the orders issued in that case. (Submitted by Kathleen Anderson.)
- b. That OAH should issue a rule that when an OAH Order is cited in a pleading and the order is not available on OAH's website, a true and correct copy of that Order should be attached as an exhibit to the pleading. (Submitted by Kathleen Anderson.)
 - c. That OAH provide a party a copy of an OAH Order and/or Decision that the other party has cited to in a pleading. (Submitted by Daniel Shaw.)
 - d. That OAH give the party three additional days after OAH provides the OAH Order/Decision to file a response. (Submitted by Daniel Shaw.)
 - e. That OAH make available on its Website Settlements by Decision in the same way that OAH makes its Decisions available. (Submitted by Daniel Shaw.)
19. OAH Subpoena Duces Tecum Form. (Submitted by Daniel Shaw.)
- a. That OAH put on its form an explanation of the timelines for issuing a Subpoena Duces Tecum.
 - b. That OAH require that Subpoena Duces Tecum served by mail be by certified mail, return receipt requested.
 - c. The OAH delete language in the form that subpoenaed documents be uploaded to Case Center five days before the start of the hearing.
 - d. That OAH place a copy of its Subpoena Duces Tecum form in its scheduling packet, so parents know of their rights.

20. That OAH clarify whether it uses any form to state the results of the videoconference mediation. (Submitted by Daniel Shaw.)
21. That OAH add an explanation next to the checkbox for electronic service on the Statement of Service that before a party may serve the other party electronically, fax or email, the other party must first provide consent to such service. (Submitted by Kathleen Anderson.)
22. Motions. (Submitted by Kathleen Anderson.)
 - a. That OAH Administrative Law Judges rule on motions filed prior to the prehearing conference within a reasonable amount of time, and no later than three business days after a joint motion is filed, three business days after the opposition is due, or the date of the scheduled prehearing conference, whichever comes first.
 - b. That OAH should determine if a motion filed before the other party files an amended complaint still applies, and if it does, issue a ruling in a timely manner.
23. That OAH grant parties' request for a second mediation and assign the same mediator if requested by the parties. (Submitted by Kathleen Anderson.)
24. That OAH should write the Advisory Committee Agenda in language and using terms that are understandable by the general public. (Submitted by Kathleen Anderson.)
25. Public Comments: Time is set aside for individuals desiring to speak on any topic not otherwise on the agenda. In all cases, the presiding officer reserves the right to impose time limits.
26. Adjournment

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973* and the *Americans with Disabilities Act of 1990*, any individual with a disability who requires reasonable accommodation to attend or participate in this meeting may request assistance by contacting SE Operations at (916) 263-0880 or OAHSEOps@dgs.ca.gov.

If you have any questions about the meeting, please contact SE Operations at OAHSEOps@dgs.ca.gov.