

TRANSCRIPTION OF RECORDED MEETING

OF

SPECIAL EDUCATION DIVISION  
ADVISORY COMMITTEE MEETING

JUNE 17, 2022

Board Members Present:

ROCHELLE HOOKS  
DANIEL SHAW  
JESSICA LITTLE  
KATHLEEN ANDERSON  
MINDY LUBY  
AILEEN HERLINDA SANDOVAL  
JAMES LISTER-LOOKER  
JOSHUA WALDEN  
JULIE LEWIN  
KATHERINE GRANT

OAH Staff Present:

PETER PAUL CASTILLO  
JENNIFER SAFFOLD

Transcribed by:

MICHELLE JONES  
NCCR  
Sacramento, California

The record reflects all relevant statements and conversations occurring during the course of the meeting, but is not verbatim. For clarity, superfluous words, phrases, verbal pauses and/or inaudible tones have been eliminated.

**JUNE 17, 2022**

**JUDGE CASTILLO:**

Good morning. My name is Division Chief Peter Paul Castillo with the Office of Administrative Hearings. We're going to go briefly over the organization of the Advisory Committee and how I will participate before we get into the agenda items.

Just for, regarding members, the attendees who are -- public comment will be provided verbally and orally during today's Advisory Committee meeting. There is information regarding participation on the agenda and on our website.

When public comments are asked for, you should use the raise hand feature on the bottom menu on your Zoom. If you're calling in by phone, please hit Star-Nine. We will have people moderating and looking in the attendee room if there is public comment and we will take those at the appropriate time.

When you are called upon, you will need to unmute yourself. If you are in the Zoom room, on the bottom left, there is a thing to, a button to, unmute yourself. If you are on the phone, please hit Star-Six to unmute yourself.

You will have three minutes to provide verbal comment during the appropriate comment periods. The moderator will notify you when your three minutes has passed and then you will be muted again.

You may also give written comment by email. The email address is in the Advisory Committee agenda and also on our website. You will need to clearly identify the agenda item to which your comment relates to and then your comment will read aloud by the moderator during the appropriate public comment portion of that agenda item.

If your comment is not clearly identified to an agenda item, your comment will be read during the general comment portion at the end of the meeting.

The mission of the Advisory Committee is a committee composed of parents, attorneys, advocates, school employees, and other stakeholders, the majority who are parents and advocates or attorneys for parents. The Advisory Committee provides nonbinding recommendations regarding revisions to OAH forms, documents, procedures, and policies as provided within the regulatory mandate of the Advisory Committee.

I would like to welcome people to the June 2022 Advisory Committee meeting for the Office of Administrative Hearings. I thank those who are attending, for committee members, and the staff people from the Office of Administrative Hearings, who make this possible.

As I introduce myself again, I am Peter Paul Castillo. I'm the Division Chief with the Office of Administrative Hearings Special Education Division. I've had this position since April of this year. I've been with the Office of Administrative Hearings Special Education Division since October 2005, when OAH took over the contract and have conducted numerous hearings, mediations, Prehearing Conference; was promoted to presiding judge in Southern California in the fall of 2014, and I'm still based out of the Los Angeles office.

Before coming to the Office of Administrative Hearings, I worked as a staff counsel for the California Department of Social Services Community Care Licensing Division and prosecuting cases to revoke licensures for child abuse and dependent adult abuse and elder abuse, presenting cases in front

of the Office of Administrative Hearings General Jurisdiction and also legislation involving group homes and out of state residential treatment facilities.

I'd also like to introduce Zack Morazzini, Director of the Office of Administrative Hearings. Zack, if you'd like to say a few words?

**DIRECTOR MORAZZINI:**

Good morning. Thank you, Judge Castillo. I just want to say thank you everybody for participating. This is incredibly important for OAH's Special Education Division. So, I look forward the conversation today. Thank you, Peter Paul.

**JUDGE CASTILLO:**

Okay. Bob Varma?

**DEPUTY DIRECTOR VARMA:**

Good morning, everybody.

**JUDGE CASTILLO:**

One second. As you can see with the webinar, there's many things for us to juggle. So, at times, I may be in and out juggling different things.

This is a combined meeting of the Southern California Advisory Committee and the Northern California Advisory Committee. I am going to take role to make sure that we have a quorum, although I can see on the screen who is attending. As required by the Open Meetings Act, we must take role to ensure that we have a quorum and that we have it on the record.

So, I'm going to start with Northern California. If you're here, just unmute yourself and say present. Dr. Rochelle Hooks?

**DR. HOOKS:**

Here.

**JUDGE CASTILLO:**

Daniel Shaw?

**ATTORNEY SHAW:**

Present.

**JUDGE CASTILLO:**

Jessica Little?

**ADMINISTRATOR LITTLE:**

Present.

**JUDGE CASTILLO:**

Kathleen Anderson?

**ATTORNEY ANDERSON:**

Present.

**JUDGE CASTILLO:**

Mindy Luby?

**MS. LUBY:**

Present.

**JUDGE CASTILLO:**

Nicholas Lutton?

Not present.

Going to Southern California. Dr. Aileen Herlinda Sandoval?

**DR. SANDOVAL:**

Here.

**JUDGE CASTILLO:**

Okay. Marianne Grosner? Not present. James Lister-Looker?

**MR. LISTER-LOOKER:**

Present.

**JUDGE CASTILLO:**

Joshua Walden?

**ATTORNEY WALDEN:**

Present.

**JUDGE CASTILLO:**

Julie Lewin?

**ATTORNEY LEWIN:**

Present.

**JUDGE CASTILLO:**

Okay. We have a quorum for both Northern California and Southern California. That'll allow both committees to participate fully in our agendas, comments, and to make recommendations on the agenda items.

I'm just going to go over briefly the roles of the committee members during the Advisory Committee.

Each committee member will have the opportunity to speak on every issue. If a recommendation is made, each committee member will vote whether they would like OAH to consider the recommendation.

A majority yes vote from either committee or both committees will result in OAH considering the recommendation or recommendations.

And I'd also like to introduce right now our interpreter, Zanina Blanco-Fernandez (phonetic) will be interpreting in English and Spanish.

**INTERPRETER FERNANDEZ:**

Good morning.

**JUDGE CASTILLO:**

All right. I will ask you to interpret the following currently consecutively to find out if we have anybody who requires services.

So, if we have any members of the public who would like to listen to proceedings interpreted in Spanish, please raise your hand using the raise hand feature on the bottom of your screen, a button labeled, "Interpretation".

You will need to then click that button and select the language in which you wish to listen to the meeting, specifically whether or not you want to listen in English or in Spanish.

The interpreter will only broadcasting their voice into this channel in which they are currently interpreting into for this reason.

Unless you are listening to the Spanish channel, you will not hear the interpreter except for instances where they may be interpreting a comment made by a Spanish speaker, which will then be interpreted into the English channel by the interpreter.

The interpretation feature is not available for telephone participants.

I will be asking myself and the committee members, since this matter will be interpreted, to be speak slowly to permit the interpreter to interpret correctly for the participants listening in in Spanish.

With that, I'd like the interpretation feature to be turned on and the interpreter to be put into that room and for the people who wish to listen to in Spanish to then make the selection as previously instructed.

Ms. Fernandez, I have turned it on, so you can go into the room to interpret.

For the Advisory Committees, who I'll introduce in a moment, will all be visible on your screens when they are speaking. As a member of the committee, if you'd like to be recognized, I would like you to raise your hand using the button available for this purpose.

I would like all the committee members to take a moment to look at the bottom of the screen. You will see an outline of a hand. This is the button you will press when you want to make a comment.

If you have trouble during this meeting or it is not working, please raise your actual hand and then we will call upon you to inquire what your comment is or to answer any technical questions you may have.



We do not have any members who are calling in on the Advisory Committee. All the members are participating within the Zoom webinar.

Please keep yourself on mute unless you are talking.

If a recommendation is made for OAH to consider, a recommendation made by a committee member, I will ask for a second. Please raise your hand electronically if you'd like to second it. I will then get your second on the record.

If your electronic hand is not working, please raise your actual hand.

For each recommendation that is seconded, I will first ask for comment and discussion from the members. I will then ask for public comment on the recommendation before calling for a voice vote.

I will be calling each of your names out loud. You will then need to take yourself off mute and then to give your actual vote using your voice.

Yes, you want -- yes will be you want OAH to consider the recommendation. No, you don't want OAH to consider the recommendation.

Is there any questions regarding this process from the committee members? Okay.

As I indicated earlier, this meeting is being recorded by Zoom in the hope of OAH then to transcribe the recording of this committee and the webinar, and then to put it on our Advisory Committee website.

The overview of the committee process when we start with the more substantive agenda items. The person who proposed the agenda items will have some time to talk. I may also start the discussion on behalf of OAH and may be able to answer some questions as they come up.

All committee members wishing to be heard will have the opportunity to speak on the topic at least once. We will then take public comment.

If at some point, a recommendation is made that OAH consider something formally, any committee member may make a recommendation. If you're going to make a recommendation, I suggest that you take a minute or two to write down your recommendation. Most are one or two sentences at most. We will handle them one at a time.

You will be asked to read your recommendation and I will ask for a second. If there is a second to the recommendation, we will move to the committee member discussion of the recommendation, any public comment on the recommendation, and then for a voice vote.

We will do this for each recommendation for every substantive agenda item.

As I indicated, each member will vote through a roll call and OAH will consider each recommendation that passes and respond in writing before the agenda items are due for the next Advisory Committee.

Are there any questions from any member of the Advisory Committee on this process?

Introduction of Advisory Committee members. Most of the committee members for this period are new members and I'm very glad we had so many wonderful volunteers. Thank you very much for taking time out of your very busy schedules to participate in this very important committee because your input is very vital for OAH to carry out its functions and duties.

I will be calling on you one at a time, and if you could just say something briefly about yourself that you are comfortable about sharing and what interested you in being on this committee.

I will first start with Northern California. Dr. Hooks?

**DR. HOOKS:**

Thank you. This is actually my last meeting as this is the end of my term, but I wanted to participate on this committee to help form policies for all stakeholders. Thank you.

**JUDGE CASTILLO:**

Okay. Daniel Shaw?

**ATTORNEY SHAW:**

Hi, I'm Daniel Shaw. I'm a parent attorney out of Central California; also a parent of a child with special needs, who is on an IEP. My interest in participating in the committee is to be part of the policy forming process for OAH and to provide input from a parent attorney's perspective, as well as as a parent.

**JUDGE CASTILLO:**

Thank you. Jessica Little?

**ADMINISTRATOR LITTLE:**

Hi, I'm Jessica Little. I'm the SELPA director for North Santa Cruz County and, like the others, my interest is in shaping policy, but also looking at how to make it accessible and understandable for families and folks who go through this process. Thank you.

**JUDGE CASTILLO:**

Kathleen Anderson?

**ATTORNEY ANDERSON:**

Good morning. I'm an attorney with Fagen Friedman and Fulfrost. We work and represent local educational agencies.

I am also the parent of an adult special needs child, who had an IEP back in the day, and I've also taught Special Education. I had a severely disabled high school class for four years in the Central Valley.

So, I wanted to be part of this committee because I love Special Education. I come at it from several different angles and I wanted to be part of the policy making process.

**JUDGE CASTILLO:**

Mindy Luby?

**MS. LUBY:**

Good morning, Mindy Luby. I am a parent of three children with disabilities, who have had IEPs and 504s. I'm also a non-attorney advocate and I'm very grateful to be a part of this process. I look forward to working with this group. Thanks so much.

**JUDGE CASTILLO:**

Thank you. Mr. Lutton is not present, so we'll now move to Southern California. Dr. Aileen Herlinda Sandoval?

**DR. SANDOVAL:**

Hello. I am a clinical neuropsychologist. I specialize in pediatric disorders and lots of different neurodevelopmental conditions. I'm also a non-attorney advocate. I also serve as an expert witness for various sides of the aisle.

I am here primarily to prioritize developmentally appropriate needs and also to make the process a little bit easier for various neurological differences.

**JUDGE CASTILLO:**

James Lister-Looker?

**ATTORNEY LISTER-LOOKER:**

Good morning, James Lister-Looker. I am also a parent. So many of us are parents. Two children with disabilities and IEPs for years and years and years. I was a moderate-severe Special Education teacher for 10, a Special Education administrator for three, and this is my first year as an assistant principal at one of our school sites, at Desert Sands Unified, and the Special Ed team is under me; what a surprise.

Anyway, I'm very glad to be part of the process and help shape policy and look at things from three different, potentially four different, lens.

**JUDGE CASTILLO:**

Joshua Walden?

**ATTORNEY WALDEN:**

Good morning, everyone. My name is Joshua Walden and I'm an attorney from the law firm of Lozano Smith representing school districts in Special Education matters.

I was interested in serving on the Advisory Committee just to provide recommendations to help assist the mediation and due process hearing procedures for all parties involved.

**JUDGE CASTILLO:**

Thank you. Julie Lewin?

**ATTORNEY LEWIN:**

Good morning. Hi, I'm Julie Lewin. I'm the parent of a 13-year-old student with Special Education needs. I am also an attorney with The Legal Aid Society of San Diego.

In 2019, I launched Legal Aid First Education Rights Team. My primary interest is increasing access to the administrative process for the underrepresented members of San Diego County.

**JUDGE CASTILLO:**

Thank you. Marianne Grosner is not present, and we did have an attorney for school district in Katherine Grant, who we selected, but resigned her position before the committee hearing. I'll be discussing a little later on filling her vacant position.

And Dr. Hooks indicated filling her position as her term is up before the October meeting.

Right now, what I would like to do is we need a chair for today for each Northern California and Southern California, and the chair today will also be responsible for collecting agenda items for the October meeting and we'll provide that information later after the meeting.

But the agenda items will be due on October 1st. We then ask for the chair from Northern California and Southern California to collect the proposed agenda items from their committee meetings in their areas and then to send those off to the Office of Administrative Hearings for the agenda for our fall meeting, which we will then do the agenda for.

So, is there anyone in Northern California who is interested in being the committee chair and then collecting the comments for our fall meeting?

**MS. LUBY:**

I'm happy to sit as the chair if nobody else wants to or if nobody has any objections?

**JUDGE CASTILLO:**

Is anyone else interested in Northern California? Dr. Hooks?

**DR. HOOKS:**

I won't be at the next meeting, so I can't.

**JUDGE CASTILLO:**

Okay. Okay. And with that, Mindy Luby will be the chair for Northern California and be responsible for collecting comments. And we'll be sending out an email to the committee members explaining the process as we get closer to that date.

For Southern California, anyone interested in being the committee chair?

**ATTORNEY LEWIN:**

I can be the committee chair.

**JUDGE CASTILLO:**

Okay. So, anybody else interested in Southern California?

So, with that, Ms. Lewin will be the committee chair for the fall meeting.

I'd like to introduce -- and the folks do not need to turn on their cameras. I'll just introduce them. Our wonderful OAH staff who are present here today and assisting us today, Anna Brown, Laurie Crom, Trinity Durantis, Administrative Law Judge Claire Yazigi; and also present listening in is our new staff service manager, Stefanie Kent, who has promoted her way up from case manager, associate government program analyst, and now staff service manager.

I'd like to introduce Staff Service Manager Jenn Saffold, who many of you know in the community. This will be Jenn's last committee meeting as Jenn Saffold will be leaving the Office of Administrative Hearings. With that, I'd like to give her a big round of applause for all her help in this, as she announced leaving OAH after I took the position and Judge Varma said no take-backs. I couldn't go back to being a presiding judge with Jenn leaving us.

So, Jenn, thank you very much. Your help in organizing this meeting has been invaluable and invaluable to the Office of Administrative Hearings.

I'd also like to introduce presiding Administrative Law Judge Joy Redmon, who supervises administrative law judges in our Sacramento and Oakland offices.

There have been no new case managers since the last meeting in October. We will have announcements out for new positions. We currently have an announcement out for staff service analyst in our San Diego office. We will be putting out announcements for two more positions in San Diego.



There is a position that applications have just closed for Los Angeles' office, and two announcements will be going out for our Sacramento office for case manager and we will be hiring also to replace behind Jennifer Saffold.

We are down one administrative law judge. Elsa Jones had retired earlier this year and we will be doing an announcement hopefully later this summer to start filling in behind her position.

Additionally, my presiding judge position is vacant. I am doing double duty as presiding judge, a part of Southern California, and that position will be announced for hiring and application process during this summer.

I would like to make sure that all OAH staff have their microphones off.

For applications for new members, as Dr. Hooks has indicated, her term expires before the next October meeting. Additionally, with the resignation of Member Grant, we have a vacancy in Southern California.

Applications for these two positions will open on August 1st, 2022 and will close on August 15th, 2022. Information on applying for one of these positions is on our OAH website as to what we need as a statement of interest and also an application form.

We will also be making an announcement on the List Serve next week -- or actually on the List Serve closer to the August 1st date indicating that the positions are open and requesting applications.

I request anybody on the committee if you know anybody who's interested to please have them apply and anybody who -- any of our attendees, if you or anybody you know who are interested in these positions to please apply and look at our website for information on the application.

Expectation of our members. All members are expected to attend every meeting. The meetings will be held on the third Friday of June and the third Friday of October every year. This calendar was set at a prior Advisory Committee several years ago to make sure we would have the most participants at our meetings.

If a member is not able to attend, then they should notify OAH as soon as possible if they are not able to attend the meeting.

If a member misses two meetings during their term, they may be removed by the committee and OAH -- they may be removed from the committee and OAH will start the application process to choose a replacement for that member.

I encourage you to fully participate in this process. Your opinions and recommendations are very valuable for the Office of Administrative Hearings and for this process to be successful and for this committee to be successful.

The Advisory Committee follows the Open Meeting Act. Each member of the committee has been sent a copy of the act and is expected to follow all the requirements of the act.

A copy of the act can be found in the Advisory Committee section of the OAH website. Part of this is I make sure I hear from everyone, committee members and then the public. Committee member discussions and common recommendations, public comment, and then a voice vote.

Are there any questions from the committee members regarding the Open Meeting Act?

With that, I will go into the agenda items just briefly. We will see how this meeting is going. We will probably break an hour and a half into it, about 11:30. If it looks like we are getting close to the end, I will ask the members of the committee if they want to have a break or power through and finish the agenda items.

Agenda items. This is submitted by the Office of Administrative Hearings. Office of Administrative Hearings to use Zoom video conferences system for mediations, Prehearing Conferences, and hearings starting July 5th, 2022.

OAH has done testing by both the Special Education and General Jurisdiction Divisions and determined Zoom to be a better product for conducting our hearings, mediations, and Prehearing Conferences. OAH will be updating our forms, website, along with sending notices on the List Serve that will explain the change and provide links to Zoom training materials.

Is there any committee comment on this?

Is there any public comment?

**UNIDENTIFIED SPEAKER:**

No written public comment at this time.

**JUDGE CASTILLO:**

Okay. Is there any recommendations to be made by any committee member on this topic?

Hearing none, we will move off to the next agenda item. Concerning the responses -- OAH responses to October 21st meeting recommendations, those are on our website. The link is in the agenda for those responses to the

recommendations made by the committee at our October 21st meeting and I will not be going over those here, as they have been published.

As I indicated earlier, as one of the OAH intends to publish its responses to the recommendations made by the committee before the agenda items are due for the next committee meeting.

So, the members will have that available as they start to consider what agenda items they would like to put on the next calendar.

Agenda items submitted by the committee. I will briefly describe this and ask the committee member who submitted this to go over. Ms. Saffold?

**MS. SAFFOLD:**

Yes. We received a written comment for Agenda Item 13.

**JUDGE CASTILLO:**

Okay. Which is --

**MS. SAFFOLD:**

Your Honor --

**JUDGE CASTILLO:**

-- (inaudible).

**MS. SAFFOLD:**

Yes. In October, the Southern California Committee recommended that OAH verify that cases before OAH have been properly authorized by the corresponding school boards.

OAH is claiming that they have no authority to do so, but they're applying the law unevenly. When it comes to parents representing adult students, OAH is quick to demand proof that the student has authorized the parent to represent them.

But when it comes to District lawyers, OAH requires no proof that the case is indeed approved by the school board.

Under the Brown Act, decisions to litigate against nondisabled or employees are approved by school boards, but students with disabilities are treated like second class citizens and they are often sued without any board approval.

OAH scrutinizes parents and seeks verification from parents to confirm that they have authority to represent their own children. When it comes to verifying whether or not attorneys for districts have been authorized to file for due process, OAH claims it has no jurisdiction. OAH is being complicit with districts for violating the Brown Act by not approving litigation related to Special Education.

The agency's apathy and double standard has become very obvious to parents and this needs to change. OAH needs to take an active role. I am sure if districts were asking OAH to correct violations of state law, OAH would have a very different response.

Please ensure that district lawyers who are coming before OAH in hearings have approval from their boards to do so. Otherwise, they have no standing to appear before OAH.

If OAH does nothing, it will have unclean hands. Hashtag more teachers, less lawyers. Thank you.

**JUDGE CASTILLO:**

Okay.

**MS. SAFFOLD:**

And that's the only comment that's been received thus far.

**JUDGE CASTILLO:**

Okay. Since that is not an agenda item for today's meeting, we will take the public comment. If any committee member would like to make this as an agenda item for the fall meeting, that is something they can do. Okay.

Now moving onto the agenda items submitted by the committee. The first one is resources for unrepresented and low income families. Discussion of the self help section and lists of no-cost attorneys maintained by the Office of Administrative Hearings.

This was submitted by Ms. Lewin. So, if you'd like to discuss this.

**ATTORNEY LEWIN:**

Thank you. After reviewing OAH's website, I just had a few recommendations to make it more accessible and user friendly for unrepresented parties.

I did see where it does provide information that if an unrepresented party needs assistance drafting forms and complaints that they can use a public-funded mediator for that. However, that information isn't contained in the self-help section. It's not easily identifiable. I'd like to see that more visible and the link provided to that in the self-help section.

The second issue was I do see that in the initial scheduling order OAH does refer to the list of low-cost and no-cost attorneys. But it looks like it's a hyperlink. It's not a hyperlink to the actual list of attorneys. I would request

that a printed out version be included with that scheduling order and attached, so it's more easily accessible to unrepresented parties.

Also, the website does have if you chose a second language, such as Spanish. I believe I had a Spanish speaker go through the website for me and make recommendations. But it does note that if you would like a copy of forms in Spanish that you can request them.

But when you are accessing it in a second language, at least for the, you know, top five languages and you chose a form, I would recommend that those forms on the drop down list be the actual translated forms and not have to request those forms from OAH separately.

**JUDGE CASTILLO:**

So, Ms. Lewin, since those sound like recommendations, we're going to just take comments and then if you can -- then I'll ask for you again after we take comments from the Advisory Committee members and also comments from the public. And then I'll go back to any recommendations that you want the committee to vote on and that for OAH to consider.

Is there any further comment from any other committee members? If so, please, if you can raise your hand.

Seeing none, is there any comment regarding this agenda item from the public, who are attending?

**MS. SAFFOLD:**

There's no written comment at this time for this agenda item.

**JUDGE CASTILLO:**

Okay. So, Ms. Lewin, would you like to make -- or any other -- I'll start with you first, but then I'll also open it to any other committee member.

Ms. Lewin, would you like to make any recommendation or recommendations for this? If there's multiple ones, we'll take each one at a time because, as I listened, there were several recommendations that you wanted to make on this topic.

**ATTORNEY LEWIN:**

Okay. So, yes, the first recommendation would be that a link be provided on the self-help page, where unrepresented parties can request assistance from a public-funded mediator to prepare their due process filings.

**JUDGE CASTILLO:**

Is there any -- Judge Yagizi, could you repeat that?

**JUDGE YAGIZI:**

I'd be happy to. What I have is the recommendation is that a link be provided on the self-help page where unrepresented parties can request assistance from a public-funded mediator to prepare their due process filings.

Did I capture what the recommendation was?

**ATTORNEY LEWIN:**

Yes. But I don't think it needs to be a mediator, but a public-funded -- I don't know how you would phrase it, but, you know, I believe it is an ALJ that serves in that role. Whoever serves in that role already, that those parties, that person, helps prepare filings.



**JUDGE CASTILLO:**

Can you reframe that, Judge Yagizi, based on her comments?

**JUDGE YAGIZI:**

I could say -- I mean, I want to be true to the recommendation, but could be a public-funded assistant or a public-funded individual or an individual from OAH?

**ATTORNEY LEWIN:**

Yes, that works. Thank you.

**JUDGE CASTILLO:**

Okay. Thank you. Is there anyone from the committee who would like to second that? I'm trying to think.

Okay. Ms. Luby, you show up first. Would you just unmute yourself and second on the record?

**MS. LUBY:**

I second.

**JUDGE CASTILLO:**

Okay. And we'll have to take a vote on this recommendation by Ms. Lewin as to the link for assistance to self-represented parties. Dr. Hooks?

**DR. HOOKS:**

Yes.

**JUDGE CASTILLO:**

Daniel Shaw?

**ATTORNEY SHAW:**

Judge Castillo, I'm not sure I really understand the recommendation or the basis for it at this time, so my vote --

**JUDGE CASTILLO:**

Well, actually, you know what, sir? Let me -- sorry, I went wrong. So, what I'm going to do is there any comments -- I'm sorry -- any comments by the committee as to this? I'm sorry; I went out of order.

So, Mr. Shaw, what is your comment regarding this recommendation before we vote on it?

**ATTORNEY SHAW:**

Sure. I'm not quite sure I understand the basis of the recommendation or whether or not there's already something in place that allows a nonrepresented party to access or get help in terms of preparing pleadings.

I'd like to know more information about that; whether it's statutorily required already or if there is a process in place through OAH that provides for that? Because I'm unfamiliar with that process.

**JUDGE CASTILLO:**

I can generally just speak of the process and if there is a vote for this, we can respond more in depth on it in our response to the recommendations.

Right now, there's generally information on our website as to assistance for self-represented parties in drafting their initial complaint. The individual would then contact the Office of Administrative Hearings.

Presently, we use one of our pro tem mediators to contact the individual and provide assistance in drafting the complaint or finish a complaint for filing.

Additionally, if somebody is self-represented and files a complaint and the local education agency files a notice of insufficiency, which is granted in full or in part, OAH has standard language directing the parent, if they wish, for assistance from the Office of Administrative Hearings to contact the case manager and we will then assign a pro tem mediator to provide assistance to that individual.

Additionally, for motions to amend, if a motion to amend by a self-represented litigant is denied, we'll put in the same language in our pleadings that the self-represented party may request assistance from OAH. Then, we will assign a pro tem mediator to assist the individual in drafting an amended complaint.

Are there any other comments or discussion items from the committee?

**ATTORNEY LEWIN:**

Just that the intent of the recommendation is to make that information more visible on the website and allow people to find it more easily.

**JUDGE CASTILLO:**

Okay. Any comment from members of the public on this recommendation?

**MS. SAFFOLD:**

Judge, there is no written comment or a verbal comment at this time.

**JUDGE CASTILLO:**

Okay. Dr. Hooks, you have your hand up?

**DR. HOOKS:**

Yes. My suggestion is maybe, Ms. Lewin, if you consider amending because the second thing you just said was to make it more visible, which was a little bit different than what your initial recommendation was. Thank you.

**ATTORNEY LEWIN:**

I'm happy to broaden that. I guess that was just my personal thought on how it would become more visible? It seems like the self help section of the website is the most logical place for the link to exist, but any way that can raise visibility to that -- those resources.

**JUDGE CASTILLO:**

Well, Ms. Lewin, would you like to reframe the recommendation?

**ATTORNEY LEWIN:**

Yes, I would like to move to reframe it.

**JUDGE CASTILLO:**

Okay. And how would you like it to be reframed?

**ATTORNEY LEWIN:**

That the information concerning the resources that we're discussing be more visible on the OAH website under the self help section.

**JUDGE CASTILLO:**

Judge Yagizi, if you could read back the reframed issue -- recommendation?

**JUDGE YAGIZI:**

I just want to make sure that I'm understanding correctly. Does the initial recommendation go away or is it --

**JUDGE CASTILLO:**

Correct.

**JUDGE YAGIZI:**

Okay. So, is the recommendation now is just that OAH make its resources to the public more visible on its website?

**JUDGE CASTILLO:**

I think Ms. Lewin as to more -- more visible as to assistance to self-represented parties in drafting a complaint. Did I correctly frame that, Ms. Lewin? Is that yes?

**ATTORNEY LEWIN:**

Yes, thank you.

**JUDGE CASTILLO:**

Thank you.

**ATTORNEY LEWIN:**

I couldn't unmute -- get myself unmuted.

**JUDGE CASTILLO:**

It is like -- it is like a hearing that I have to make sure it is on the record as I go my judge hat.

Mr. Shaw, you had a question? Did you want to say something, Mr. Shaw, or you just put your hand down?

**ATTORNEY SHAW:**

I apologize. I forgot the mute button.

**JUDGE CASTILLO:**

Okay.

**ATTORNEY SHAW:**

It's more of a suggestion in terms of reframing this to be, I think, more palatable based on OAH's current self help website, but maybe make it more specific that under the self-help information for Special Education cases section, that there is a live link to point parents in the direction or pro per litigants in the direction of being aware that these resources do exist and how to access them.

**JUDGE CASTILLO:**

Based on that, Ms. Lewin, would you like to reframe or just leave the comment -- the recommendation as is?

**ATTORNEY LEWIN:**

I believe the second revision was to make it more visible in the self help section. So, I think that makes it broad enough and specific enough to --

**JUDGE CASTILLO:**

Okay.

**ATTORNEY LEWIN:**

-- to help parents the most.

**JUDGE CASTILLO:**

Okay.

**JUDGE YAGIZI:**

Judge Castillo, for the sake of clarity, may I request that Ms. Lewin just state the recommendation in a sentence form. As notetaker, I want to make sure that I'm being true to the recommendation.

**JUDGE CASTILLO:**

Ms. Lewin?

**ATTORNEY LEWIN:**

Okay. I would recommend that the OAH increase the visibility of its self help resources for drafting due process complaints be more visible in the self help section of its website.

**JUDGE CASTILLO:**

You hear that, Judge Yagizi?

**JUDGE YAGIZI:**

Yes. The recommendation is that OAH increase the visibility of its self help --

**JUDGE CASTILLO:**

We can't hear you. Your mic -- you're not -- I think you have to talk more directly into your mic.

**JUDGE YAGIZI:**

The recommendation that I have now is that OAH increase the visibility of its self help resources for drafting due process complaints be more visible in the self help section of its website.

**ATTORNEY LEWIN:**

I sort of repeated myself there. Sorry, I should've written the recommendation down as suggested.

**JUDGE YAGIZI:**

I can take some editing license.

**ATTORNEY LEWIN:**

But I was first to go, so. Okay. So, the second -- can you read that back one more time?

**JUDGE YAGIZI:**

And I can take some editing license.

**ATTORNEY LEWIN:**

Okay, then.

**JUDGE YAGIZI:**

The recommendation is that OAH increase the visibility of its self help resources for drafting due process complaints in the self help section of its website. How about that?

**ATTORNEY LEWIN:**

Yes, thank you.



**JUDGE YAGIZI:**

Okay.

**JUDGE CASTILLO:**

Okay. Ms. Saffold, you have your hand up?

**MS. SAFFOLD:**

Yes, I'd just like to take a moment to ask the committee to slow down just a bit whenever we are going through comments and things like that for the interpreter to be able to keep up. She's doing a fantastic job, but I just want to make sure that we can continue going at a good speed. Thank you.

**JUDGE CASTILLO:**

Okay. Thank you for reminding us.

Would any committee member like to second the recommendation by Ms. Lewin? Let's see. Dr. Sandoval?

**DR. SANDOVAL:**

I second.

**JUDGE CASTILLO:**

Okay. And we will -- is there any comment from the committee as to this revised recommendation from Ms. Lewin?

Any comment from -- seeing none, is there any comment from the public regarding this revised recommendation from Ms. Lewin?

Seeing none, we will move to a vote on the recommendation by Ms. Lewin. We'll start with Northern California. Dr. Hooks?

**DR. HOOKS:**

Yes.

**JUDGE CASTILLO:**

Mr. Shaw?

**ATTORNEY SHAW:**

Yes.

**JUDGE CASTILLO:**

Ms. Little?

**MS. LITTLE:**

Sorry, can you hear me? Yes.

**JUDGE CASTILLO:**

Yes, a yes from Ms. Little. Ms. Anderson?

**ATTORNEY ANDERSON:**

Yes.

**JUDGE CASTILLO:**

Ms. Luby?

**MS. LUBY:**

Yes.

**JUDGE CASTILLO:**

Dr. Sandoval?

**DR. SANDOVAL:**

Yes.

**JUDGE CASTILLO:**

Mr. Lister-Looker?

**MR. LISTER-LOOKER:**

Yes.

**JUDGE CASTILLO:**

Mr. Walden?

**ATTORNEY WALDEN:**

Yes.

**JUDGE CASTILLO:**

Ms. Lewin?

**ATTORNEY LEWIN:**

Yes.

**JUDGE CASTILLO:**

As the recommendation has passed unanimously, OAH will be responding to the recommendation before October 1st of this year.

The next agenda item, also from Ms. Lewin, is the status of in-person due process hearings or mediations and options for requesting an in-person hearing or mediation.

Ms. Lewin, would you like to discuss this further?

**ATTORNEY LEWIN:**

I don't believe that's my agenda item, but I had two other recommendations to make.

**JUDGE CASTILLO:**

This was submitted by the Southern California Committee. Was there someone in the Southern California Committee who submitted this recommendation?

**ATTORNEY WALDEN:**

Yes, Your Honor, that was my recommendation.

**JUDGE CASTILLO:**

Oh, okay. So, you, Mr. Walden?

**ATTORNEY WALDEN:**

That's correct.

**JUDGE CASTILLO:**

Okay. Mr. Walden, would you like to discuss this?

**ATTORNEY WALDEN:**

I'm happy to proceed. I just didn't know if Ms. Lewin wanted to finish her two other recommendations that might be related still with the one she had previously been discussing.

**JUDGE CASTILLO:**

Okay, I'm sorry. Going back to the other thing.

Was there anything else in the prior agenda item, Ms. Lewin, that you want to bring up as a recommendation?

**ATTORNEY LEWIN:**

Yes.

**JUDGE CASTILLO:**

Okay.

**ATTORNEY LEWIN:**

Okay. So, I would recommend that in the initial scheduling orders provided to the parties in a due process complaint that the physical list of low-cost and no-cost attorneys be included with the initial orders going out to parties in a due process matter.

**JUDGE CASTILLO:**

Judge Yagizi?

**JUDGE YAGIZI:**

I have that the initial scheduling orders --

**JUDGE CASTILLO:**

If you can talk more into your microphone?

**JUDGE YAGIZI:**

Okay, I apologize. That the initial scheduling orders include a physical list of low-cost and no-cost attorneys to the parties. How did I do?

**JUDGE CASTILLO:**

Did that capture it, Ms. Lewin?

**ATTORNEY LEWIN:**

Yes.

**JUDGE CASTILLO:**

Okay. Is there any second from the committee? Dr. Sandoval?

**DR. SANDOVAL:**

I second.

**JUDGE CASTILLO:**

Okay. We have a second from Dr. Sandoval. Is there any comment from the committee members on this recommendation?

Is there any comments from members of the public on this recommendation concerning the lists of low-cost/free attorneys?

**MS. SAFFOLD:**

It appears there are no comments from the public at this time.

**JUDGE CASTILLO:**

Okay. With this, we'll move to a vote on this recommendation from Ms. Lewin on OAH providing a hard copy with the scheduling order. The vote?

**DR. HOOKS:**

No.

**JUDGE CASTILLO:**

No from Dr. Hooks. Mr. Shaw?

**ATTORNEY SHAW:**

Yes.

**JUDGE CASTILLO:**

Yes from Mr. Shaw. Ms. Little?

**MS. LITTLE:**

Yes.

**JUDGE CASTILLO:**

Ms. Anderson?

**ATTORNEY ANDERSON:**

Yes.

**JUDGE CASTILLO:**

Ms. Luby?

**MS. LUBY:**

Yes.

**JUDGE CASTILLO:**

Dr. Sandoval?

**DR. SANDOVAL:**

Yes.

**JUDGE CASTILLO:**

Mr. Lister-Looker?

**MR. LISTER-LOOKER:**

Yes.

**JUDGE CASTILLO:**

Mr. Walden?

**ATTORNEY WALDEN:**

Yes.

**JUDGE CASTILLO:**

Ms. Lewin?

**ATTORNEY LEWIN:**

Yes.

**JUDGE CASTILLO:**

Okay. As this committee recommendation has passed, OAH will be considering it and issuing its response.

And, Ms. Lewin, is there one more on this agenda item?

**ATTORNEY LEWIN:**

Yes.

**JUDGE CASTILLO:**

If you'd like to?

**ATTORNEY LEWIN:**

So, when using the translated version of the website in the top five languages in the state of California, we would recommend that the forms be provided in the drop down list in those languages.

**JUDGE CASTILLO:**

And I think to explain to the committee members what she is saying, and correct me if I'm wrong, Ms. Lewin. If you want to right now, the English version would just populate. It would either show up in the browser or open up in Adobe Acrobat.



And that for the five languages that OAH is required to have, that does not happen. There is no form that automatically populates in the web browser or in the Adobe Acrobat.

And that, if a person would like a copy, that they would need to contact the Office of Administrative Hearings and to obtain a hard copy of that document.

Am I correct in explaining that, Ms. Lewin?

**ATTORNEY LEWIN:**

That is correct; thank you.

**JUDGE CASTILLO:**

Okay. Judge Yagizi, would you like to repeat the recommendation?

**JUDGE YAGIZI:**

Sure. I have when using the translated version of the website in OAH's, I can say Special Education Division's website, in the top five languages that the forms be provided in the drop down list. I could say that the forms provided in the drop down list be available in those to five languages.

Let me do a little bit of editing and I'll read it back if you don't mind.

**JUDGE CASTILLO:**

Okay.

**JUDGE YAGIZI:**

For the sake of clarity. When using the translated version of the Special Education Division's website in the top five languages, the forms provided in the drop down list be available in those top five languages.

**ATTORNEY LEWIN:**

Yes, thank you.

**JUDGE CASTILLO:**

Okay. Is there a second from any of the committee members?  
Mr. Shaw? You have to unmute yourself to second.

**ATTORNEY SHAW:**

I apologize. I second.

**JUDGE CASTILLO:**

Okay. We have a second. Is there any -- opening up for any comment from the committee members regarding this recommendation.

Seeing none, it appears that there is one member of the public who would like to comment on this.

**MS. SAFFOLD:**

Attendee Blanca Vaughn, I will be allowing you to unmute yourself. I will start a timer of three minutes for your public comment and will let you know when that time has expired.

**JUDGE CASTILLO:**

You may begin your public comment.

**ATTENDEE BLANCA VAUGHN:**

Actually, I think it's a really good idea. I'm an attorney as a parent and student attorney and I have heard from many parents that they do experience that kind of problems when going into the OAH website; not being able to find or it being difficult for them to find the information in the forms in Spanish.

So, I think it would be a great idea to add that.

**JUDGE CASTILLO:**

Thank you very much.

**ATTENDEE BLANCA VAUGHN:**

Uh-huh, thank you.

**JUDGE CASTILLO:**

Are there any other comments from any other member of the public attendees?

Seeing none, Ms. Saffold, is there any email comments on this?

**MS. SAFFOLD:**

There is no written comment on this item at this time.

**JUDGE CASTILLO:**

Okay. With that, we'd move to a vote on Ms. Lewin's recommendation regarding the provision of the forms in the five most common languages other than English. Taking a vote. Dr. Hooks?

**DR. HOOKS:**

Yes.

**JUDGE CASTILLO:**

Daniel Shaw?

**ATTORNEY SHAW:**

Yes.

**JUDGE CASTILLO:**

Jessica Little?

**MS. LITTLE:**

Yes.

**JUDGE CASTILLO:**

Kathleen Anderson?

**ATTORNEY ANDERSON:**

Yes.

**JUDGE CASTILLO:**

Mindy Luby?

**MS. LUBY:**

Yes.

**JUDGE CASTILLO:**

Dr. Sandoval?

**DR. SANDOVAL:**

Yes.

**JUDGE CASTILLO:**

James Lister-Looker?

**MR. LISTER-LOOKER:**

Yes.

**JUDGE CASTILLO:**

Joshua Walden?

**ATTORNEY WALDEN:**

Yes.

**JUDGE CASTILLO:**

Julie Lewin?

**ATTORNEY LEWIN:**

Yes.

**JUDGE CASTILLO:**

Okay. With that, the recommendation passes unanimously and OAH will issue a response in a timely fashion.

Ms. Lewin, I'm sorry I cut you off earlier on this. Any further recommendations on this agenda item?

**ATTORNEY LEWIN:**

No, there are not. Thank you.

**JUDGE CASTILLO:**

Okay. So, the next agenda item was the status of in-person due process hearings or mediations and options for requesting an in-person hearing or mediation.

Which Southern California Committee member submitted this recommendation?

**ATTORNEY SHAW:**

It was me, Your Honor.

**JUDGE CASTILLO:**

Okay. If you'd like to speak further on it, Mr. Walden?

**ATTORNEY SHAW:**

Sure, Your Honor. The agenda item was just proposing an option for requesting an in-person due process hearing or an in-person mediation should both parties consent to such an in-person procedure.

**JUDGE CASTILLO:**

Okay. To discuss briefly OAH's for Special Education hearings.

Presently, they are being conducted, all our processes, by videoconference. We'll be moving, as I indicated earlier, to Zoom on July 5th.

It is always something that OAH is considering about how the hearings are to be done, taking into consideration current health conditions and other factors in the processing.

At the beginning of the pandemic, when OAH moved to videoconference hearings, mediations, and Prehearing Conferences, we did have requests by both sides for in-person events and we did rule upon them.

For the current school year, I am only aware of one request. That was by a student represented by counsel for an in-person event and OAH rules upon that and denied the request.

So, OAH does take requests for in-person events and rules on them like any other notice motion in which there will be a written order in response to that.

Are there any further -- any other comments by any of the committee members on this topic?

**ATTORNEY SHAW:**

Just a clarifying question, Your Honor. Is that dictated on this -- the scheduling order, the instructions that follow with the scheduling order as well?

**JUDGE CASTILLO:**

To the best of my knowledge, there's nothing stated in the scheduling order that states if parties wish for an in-person hearing how to make the request.

We've had requests done, but we -- as I indicated to the best of my recollection, there has only been one this school year.

Any other discussion by the committee members on this agenda item?

Kathleen Anderson?

**ATTORNEY ANDERSON:**

If it's not in the scheduling order, I would suggest or request that it be added to the scheduling order just so that it's clear to everyone, parents, districts, represented parties and unrepresented parties, that that option exists.

**JUDGE CASTILLO:**

Any other comments from the committee on this agenda item?

Seeing none, we'll move to public and there is one attendee who has a comment.

**MS. SAFFOLD:**

Okay. Attendee Vaughn, I will be giving you ability to unmute yourself and I will start a three-minute timer and let you know when that expires.

**ATTENDEE BLANCA VAUGHN:**

Thank you.

**MS. SAFFOLD:**

Thank you. You may proceed.

**ATTENDEE BLANCA VAUGHN:**

I think it's -- again, it's a good idea, I think, as we follow the CDC guidelines and the state guidelines regarding the pandemic and also I think that OAH should consider on a case-by-case.

I'm not sure if -- you know, if you start doing that everyone is going to want to start going in-person when I don't think we're out of the pandemic a hundred percent yet.

I would think a case-by-case should be considered. Thank you.

**JUDGE CASTILLO:**

Thank you.

**MS. SAFFOLD:**

Okay, thank you. We have another public comment from Attendee Janeen Steel. I will now be giving you the ability to unmute yourself and starting a three-minute timer. Please go ahead.

**ATTENDEE JANEEN STEEL:**

Yeah, hi, it's Janeen Steel. I was the one who asked for the in-person hearing and my client actually didn't have access to a computer. So, it was denied, but unfortunately the order that was given, my client lives in Southern



California and the only option was to go in-person in like Sacramento or Oakland. They were like way away from like -- or two hours into LA and he lived in Ventura.

So, it wasn't really productive. That case resolved, but I do think it should be case-by-case and something should be in the scheduling order or something that says that you have the right to request it because per individual cases it may be necessary to have an in-person hearing just to be able to get justice for the individual student.

So, I just wanted -- I just think it'd be really important to have that as an option.

**MS. SAFFOLD:**

Thank you.

**JUDGE CASTILLO:**

Is there any other comment from the public attendees on this agenda item?

**MS. SAFFOLD:**

There is no written comment at this time.

**JUDGE CASTILLO:**

Thank you. Committee, is there any committee member who would like to make a recommendation on this agenda item?

**ATTORNEY SHAW:**

Your Honor, just to clarify. Are you asking me to make a recommendation as to the agenda item?

**JUDGE CASTILLO:**

You or any other member?

**ATTORNEY SHAW:**

I mean my recommendation would be to allow an option to establish good cause to request an in-person due process hearing or mediation and have that procedure described on the scheduling order.

**JUDGE YAGIZI:**

Judge Castillo, if I may, because I have been taking notes and I understood the recommendation to be that OAH specifically state in its scheduling order that parties may request an in-person mediation or hearing based upon a showing of good cause.

Does that capture your recommendation, Mr. Walden?

**ATTORNEY SHAW:**

Yes, Your Honor.

**JUDGE CASTILLO:**

Would anybody in the committee like to second the recommendation?

We have a second. Mr. Lister-Looker, if you can put it on the record.

**MR. LISTER-LOOKER:**

I will second.

**JUDGE CASTILLO:**

Thank you. Any further comment by the committee on this recommendation for OAH to consider?

**ATTORNEY LEWIN:**

I just had a clarifying question.

Sorry. When you originally proposed it, I thought you were saying that if both parties stipulated, the mediation would have to be in-person.

Are you saying even if both parties stipulate, it still needs good cause or that if the parties stipulate it would be in-person, if only one party would like it in-person then you would need good cause?

**ATTORNEY WALDEN:**

I think I'm open to the amendment that's been proposed by Ms. Lewin. With that being said, mediation is obviously something that requires consent of both parties. So, I think that would apply to the due process hearings specifically.

**JUDGE CASTILLO:**

Would you like to reframe it that good cause would include a stipulation by both parties to an in-person event?

**ATTORNEY WALDEN:**

That is fine, Your Honor.

**JUDGE CASTILLO:**

Okay. Judge Yagizi, can you just read it back with the addition?

**JUDGE YAGIZI:**

Sure. And of course, this is a draft, so please let me know if I haven't captured it accurately.

What I have now is that OAH specifically state in its scheduling order that parties may request an in-person mediation or hearing based upon a showing of good cause or through stipulation by all parties.

How did I do?

**JUDGE CASTILLO:**

Did that capture it, Mr. Walden?

**ATTORNEY WALDEN:**

Yes, Your Honors.

**JUDGE CASTILLO:**

Okay. Ms. Little, you had a question?

**MS. LITTLE:**

Yes, sorry. I also heard to be decided on a case-by-case basis by OAH or would that be outlined in the procedures?

**JUDGE CASTILLO:**

Well, we're looking for recommendations. How OAH will handle these would be in our response back.

**ATTORNEY WALDEN:**

That's the reason I added the good cause standard, which is so that it is considered on a case-by-case basis given the information that was shared during public comment.

**MS. LITTLE:**

Okay, thank you.

**JUDGE CASTILLO:**

Okay. Would any committee member like to second the revised -- Mr. Lister-Looker?

**MR. LISTER-LOOKER:**

I still second.

**JUDGE CASTILLO:**

Okay. Is there any committee comment on the recommendation before we go to a vote? Any comment from the public attendees on the recommendation?

**MS. SAFFOLD:**

It appears there's no public comment at this time.

**JUDGE CASTILLO:**

Okay. We do voice vote on the recommendation concerning in-person events. Dr. Hooks?

**DR. HOOKS:**

Yes.

**JUDGE CASTILLO:**

Daniel Shaw?

**ATTORNEY SHAW:**

Yes.

**JUDGE CASTILLO:**

Jessica Little?

**MS. LITTLE:**

Yes.

**JUDGE CASTILLO:**

Kathleen Anderson?

**ATTORNEY ANDERSON:**

Yes.

**JUDGE CASTILLO:**

Mindy Luby?

**MS. LUBY:**

Yes.

**JUDGE CASTILLO:**

Dr. Sandoval?

**DR. SANDOVAL:**

Yes.

**JUDGE CASTILLO:**

James Lister-Looker?

**MR. LISTER-LOOKER:**

Yes.

**JUDGE CASTILLO:**

Joshua Walden?

**ATTORNEY WALDEN:**

Yes.

**JUDGE CASTILLO:**

Julie Lewin?

**ATTORNEY LEWIN:**

Yes.

**JUDGE CASTILLO:**

As the recommendation has passed, OAH will respond to the recommendation before the next agenda items are due.

Is there anything further on this agenda item that we have not covered, Mr. Walden?

**ATTORNEY WALDEN:**

No, Your Honor.

**JUDGE CASTILLO:**

Okay. The next is timing notification case related, item submitted by the Southern California. Assignment of administrative law judges to due process hearings. Which committee member submitted this agenda item?

**ATTORNEY WALDEN:**

I believe that was me, Your Honor.

**JUDGE CASTILLO:**

Okay. Would you like to discuss further this agenda item?

**ATTORNEY WALDEN:**

Yes, Your Honor. The agenda item that's being proposed is given that administrative law judges can change prior to the due process hearing based on the calendar -- for OAH's calendar, the agenda item would be requesting some sort of communication, whether that be like a phone call to counsel for both the family and to the District or, if it's an unrepresented parent, to the parent with regard or updating as to that change.

**JUDGE CASTILLO:**

Are there any comment from any of the committee members on this agenda item?

Seeing none, anything, any public comment from the public attendees on this agenda item regarding the assignment of administrative law judges?

**MS. SAFFOLD:**

It appears there's no public comment at this time.

**JUDGE CASTILLO:**

Thank you. Mr. Walden, or any other committee member, is there any recommendation that you would like OAH to consider on this agenda item?

**ATTORNEY WALDEN:**

Your Honor, I can just restate the agenda item if that's helpful for a recommendation.

My recommendation would be that OAH notify counsel for both parties or a parent, if they're unrepresented, whenever there's a change in assignment of an administrative law judge between the Prehearing Conference and the first day of the due process hearing.



**JUDGE YAGIZI:**

I have it, and I've been taking notes as you were speaking, Mr. Walden. I have it a little more streamlined to say that OAH notify parties of any change in the ALJ assigned to a case. How does that sound?

**ATTORNEY WALDEN:**

I apologize, Your Honor. My internet I think glitched for a moment, so I missed that. Do you mind repeating that?

**JUDGE YAGIZI:**

That OAH notify parties of any change in the ALJ assigned to a case?

**ATTORNEY WALDEN:**

That change is fine with me, Your Honor.

**JUDGE CASTILLO:**

The change is okay?

**ATTORNEY WALDEN:**

Correct.

**JUDGE CASTILLO:**

Okay. Is there a second on this recommendation by the committee? Dr. Hooks?

**DR. HOOKS:**

I second.

**JUDGE CASTILLO:**

Okay. Dr. Hooks seconds. Is there any further comment from the committee on this recommendation for OAH to consider by the committee?

Seeing none, is there any comment on this recommendation by any public attendee? We'll go with Ms. Vaughn first.

**MS. SAFFOLD:**

Okay. I will be allowing the ability to talk and starting a three-minute timer now. Please process.

**ATTENDEE BLANCA VAUGHN:**

Thank you. I believe, if I'm not mistaken, we already have -- OAH already provides us with notification when a judge is changed. If I'm not mistaken, I believe that the initial -- the original recommendation was as to a specific time prior to switching or changing judges.

I'm just a little bit confused as to what exactly is the recommendation, as we already have -- we already receive, as attorneys, notifications when a judge has been changed. Thank you.

**JUDGE CASTILLO:**

Thank you. And we have one other commenter.

**MS. SAFFOLD:**

Okay. Attendee Roberta Savage, I will be giving you the ability to unmute yourself and starting a three-minute timer now. Please process.

**ATTENDEE ROBERTA SAVAGE:**

Thank you. My comment was the same as Ms. Vaughn. I always get a call as a practicing lawyer from OAH when they change the judge after the Prehearing Conference.

**JUDGE CASTILLO:**

Thank you. And we have one more commenter.

**MS. SAFFOLD:**

Okay. Ms. Kellogg, you now may unmute yourself.

**ATTENDEE MARY KELLOGG:**

Thank you so much. May it please the committee, the issue here isn't necessarily that parties are given notice or not notice. We have been given notice of changed judge as well.

The issue here is that the systematic practice of OAH changing judges post-Prehearing Conference is disruptive and prejudicial to both parties participating in the process.

Offentimes after a lengthy Prehearing Conference, where the parties have extensively discussed and sometimes debated the issues, the unilateral change in a judge post-Prehearing Conference disrupts and disengages from that process, as the parties then have to repeat those arguments for a new judge, who may not share the same opinion, leaving uncertainty in the process.

It also introduces uncertainty into the parties right to challenge a particular judge, in that if the party has already exercised it and OAH retains the right to unilaterally change that judge, the party has now made a ghost challenge because it never existed. And OAH routinely assigns judges to Prehearing Conferences, which it knows that cannot participate in the due process hearing.

So, there's a larger issue at play here, which I would ask the committee to consider. Thank you for your time.

**JUDGE CASTILLO:**

Mr. Walden, based on the comments from the public, would you like to revise your recommendation or keep it as is.

**ATTORNEY WALDEN:**

I believe Ms. Anderson has a question and I'm happy to revise it. But I think she has a question with regard to it as well.

**ATTORNEY ANDERSON:**

Well, I actually don't -- I actually don't have a question. I think that Mary (phonetic) raised the broader issue that I also share, which is initially, Mr. Walden, I don't think it's -- I don't think that all attorneys do get phone calls, at least not the District counsels. We're checking websites to see if there are last minute changes.

So, if there is a policy where phone calls are being made, I don't think that's being consistently implemented.

But the larger issue has to do with the timing and the problematic nature of changing the judge after the Prehearing Conference and before the hearing for all the reasons that Ms. Kellogg spelled out.

**JUDGE CASTILLO:**

So, Mr. Walden, based on public comment, would you like to revise your recommendations or keep it as is?

**ATTORNEY WALDEN:**

I'd like to keep it as is for the reason that Ms. Anderson identified that some attorneys are not receiving such notifications. So, just creating a clear policy on that.

Though consistent with (inaudible) with regard to the agenda items that she had previously discussed, I'm happy to address another agenda item as it relates to timeliness and changes for ALJs following the Prehearing Conference.

**JUDGE CASTILLO:**

Well, why don't we do this. Since currently, going through Ms. Lewin, we'll take a vote on your first -- it looks like you have two recommendations on this topic. We'll take a vote on your first, and if it's approved, OAH will respond to it.

Then, I'll ask you if there's any other recommendations for this topic -- this agenda item. Okay.

So, disregarding the timing and disregarding OAH providing notice to counsel for parties or self-represented parties, a change of attorneys. We'll be taking a vote on the recommendation by Mr. Walden.

Dr. Hooks, how do you vote?

**DR. HOOKS:**

Yes.

**JUDGE CASTILLO:**

Daniel Shaw?

**ATTORNEY SHAW:**

Yes.

**JUDGE CASTILLO:**

Jessica Little?

**MS. LITTLE:**

Yes.

**JUDGE CASTILLO:**

Kathleen Anderson?

**ATTORNEY ANDERSON:**

Yes.

**JUDGE CASTILLO:**

Mindy Luby?

**MS. LUBY:**

Yes.

**JUDGE CASTILLO:**

Dr. Sandoval?

**DR. SANDOVAL:**

Yes.

**JUDGE CASTILLO:**

James Lister-Looker?

**MR. LISTER-LOOKER:**

Yes.

**JUDGE CASTILLO:**

Joshua Walden?

**ATTORNEY WALDEN:**

Yes.

**JUDGE CASTILLO:**

Julie Lewin?

**ATTORNEY LEWIN:**

Yes.

**JUDGE CASTILLO:**

Okay. That recommendation has passed and OAH will respond to that in a timely fashion.

Mr. Walden, is there any other recommendation on this agenda item?

**ATTORNEY WALDEN:**

Yes, Your Honor. So, the second recommendation would be that OAH not change the assignment of an administrative law judge following the Prehearing Conference to the due process hearing.

**JUDGE CASTILLO:**

Judge Yagizi, do you have that?

**JUDGE YAGIZI:**

I have the recommendation is that OAH not change the assignment of an ALJ post-Prehearing Conference. Was that it?

**ATTORNEY WALDEN:**

That's correct, Your Honor.

**JUDGE YAGIZI:**

Okay.

**JUDGE CASTILLO:**

Is there a second from the committee?

**ATTORNEY LEWIN:**

Well, I just have a comment on the proposed recommendation. You would have to leave some room for them, you know have it be to the -- use best efforts to not change or not change without good cause in order for OAH to adopt it.

So, I would just recommend changing it so it's not so absolute.

**JUDGE CASTILLO:**

Mr. Walden, would you like to keep it or change it?

**ATTORNEY WALDEN:**

I'm happy to change it, but I'm also open to other language. Mr. Shaw, did you have a proposal as well?

**ATTORNEY SHAW:**

Yeah, so, I'm wondering if it's possible that on the OAH calendar, which would reflect the assigned judge for a Prehearing Conference, that it would note that the judge is only assigned for purposes of the Prehearing Conference, to notify the parties that this is not necessarily the judge that's going to be assigned to hear the matter. Which would allow a party to execute a preemptory challenge that would actually have meaning or to decide not to execute a preemptory challenge in the event that we are notified that the Prehearing Conference is being convened with a judge who is not going to be assigned to hear the matter.



**JUDGE CASTILLO:**

Mr. Walden, would you like to reframe, as to some of these comments, the issue, or is there anybody else who would like to have an attempt to reframe the issue -- the recommendation?

**ATTORNEY WALDEN:**

Your Honor, I'm happy to kind of rephrase or amend the proposal, so it could indicate that unless exceptional circumstances arise, OAH will not change the administrative law judge assigned to the Prehearing Conference -- or following the Prehearing Conference. I apologize, Your Honor.

**JUDGE CASTILLO:**

Okay. Do you hear that, Judge Yagizi?

**JUDGE YAGIZI:**

So, I have absent exceptional circumstances, OAH will not change the assignment of the ALJ post-Prehearing Conference.

You tell me?

**JUDGE CASTILLO:**

Mr. Walden, does that capture?

**ATTORNEY WALDEN:**

That captures what I just indicated, Your Honor. Thank you.

**JUDGE CASTILLO:**

Okay. Kathleen Anderson?

**ATTORNEY ANDERSON:**

While I understand that there is probably a desire to have some flexibility on the part of being able to change judge, I'm wondering if now judge changes are based on what OAH deems to be exceptional circumstances.

So, if we put that language in there, it's really not changing anything. I really would like it to be no changes after the Prehearing Conference. I don't know how to word it so that if there were, you know, a death in the family or something like that, then obviously there might have to be a change.

But judges are changed frequently and I would like to see that reduced quite a bit, so that it's very much the exception rather than as frequently as it feels it's being done.

**JUDGE CASTILLO:**

Daniel Shaw?

**ATTORNEY SHAW:**

Sure. I think we all share this concern and I think in a perfect world, it would make perfect sense that the judge assigned to the PHC would be the judge that hears the case, but that is often not the case in my experience.

But I also think the reality is it would always be considered an extraordinary circumstance to comply with the timelines that a change would take place if the judge who conducted the PHC was not available to conduct the subsequent due process hearing.

So, is it possible to amend the language somewhat that a preemptory challenge doesn't need to be filed prior to the Prehearing Conference Statement, but upon notification of the assigned ALJ to the due process hearing?

**JUDGE CASTILLO:**

I think that would be a second. I don't think that is covered by the agenda item as to preemptory challenges. I think if there's going to be discussion on preemptory challenges that would need to be a separate agenda item to be considered in the fall meeting.

Okay. Is there any further -- actually, is there anybody who would like to second Mr. Walden's revised recommendation?

Dr. Hooks?

**DR. HOOKS:**

I second.

**JUDGE CASTILLO:**

Okay. With that, any other further comment from the committee on this recommendation?

From the public, it appears we have one comment -- or two now.

**MS. SAFFOLD:**

Okay. Attendee Blanca Vaughn, I will be giving you the ability to unmute yourself and starting a three-minute timer. You may now proceed.

**ATTENDEE BLANCA VAUGHN:**

Thank you, Your Honor Castillo, with all due respect, I think a pre- -- I forgot the word.

**JUDGE CASTILLO:**

Preemptory?

**ATTENDEE BLANCA VAUGHN:**

Thank you. It does follow in this issue. I don't know if it can be separated, as I think Mr. Shaw had a really good point there. If there's going to be changes of judges at the last minute, allow the attorneys to have that option when they receive the notice that the judge has been changed.

Otherwise, I think -- in my opinion, I think that after the Prehearing Conference, no judges should be allowed to change unless there is specific circumstances; so, exceptional or some type of exception. But I think OAH needs to define the type of exceptions that could be followed, such as -- like Ms. Anderson said, like a death in the family or sickness or some extreme event that prevents the judge, the original judge, to appear in that due process hearing.

Thank you.

**JUDGE CASTILLO:**

Roberta Savage?

**MS. SAFFOLD:**

You may now unmute yourself.

**ATTENDEE ROBERTA SAVAGE:**

Thank you. I've sat on the OAH Advisory Committee multiple times over the last 10 to 15 years, and this issue comes up repeatedly.

I want to say this is probably the third or fourth time we've talked about this, both parties, both sides of the bar, agree that having OAH assign judges after the Prehearing Conference is problematic; and yet, there's never been an adequate resolution for how to manage this so that people who are litigating these cases have some comfort in knowing who their judge is going to be and sticking with it.

Because the use of preemptories does get entangled within this. It's frustrating to sit here and hear it being brought up again knowing it's just a repeated concern and there's -- there seems to be no adequate solution.

So, I would encourage OAH to work with both sides to come up with a way to resolve this so that all parties feel like they're having an appropriate due process hearing with a judge who understands their issues.

Thank you.

**MS. SAFFOLD:**

Thank you. Attendee Mary Kellogg, you know have the ability to unmute yourself and I will start a three-minute timer.

**ATTENDEE MARY KELLOGG:**

Thank you so much. I want to second the last comment by Ms. Savage, and agree that this is a party -- an issue that does not divide us along party

lines. This is an issue that unifies us and to suggest that somehow the grand jury challenge issue is not wrapped up in this, I think, is a misdirection.

Because if a party is supposed to use that challenge prior to a Prehearing Conference, then uses it, and then gets a reassignment, that challenge has become phantom. That challenge was never real. That challenge was made on a judge who was never going to be the judge.

The party has no way of knowing that prior to making and exercising the right to preemptory challenge, but might be reassigned another judge that perhaps was more objectionable later on, having already used their preemptory challenge.

It produces a level of uncertainty and distrust in the process that I think is unnecessary and I would urge OAH to address.

Thank you so much for your time.

**JUDGE CASTILLO:**

Okay. Ms. Saffold, any email comments?

**MS. SAFFOLD:**

There is no written comment at this time.

**JUDGE CASTILLO:**

Okay. With that, we will take a vote as to Mr. Walden's recommendation regarding the assignment of administrative law judges.

Dr. Hooks?

**DR. HOOKS:**

Yes.

**JUDGE CASTILLO:**

Daniel Shaw?

**ATTORNEY SHAW:**

Yes.

**JUDGE CASTILLO:**

Jessica Little?

**MS. LITTLE:**

Yes.

**JUDGE CASTILLO:**

Kathleen Anderson?

**ATTORNEY ANDERSON:**

Yes.

**JUDGE CASTILLO:**

Mindy Luby?

**MS. LUBY:**

Yes.

**JUDGE CASTILLO:**

Dr. Sandoval?

**DR. SANDOVAL:**

Yes.

**JUDGE CASTILLO:**

James Lister-Looker?

**MR. LISTER-LOOKER:**

Yes.

**JUDGE CASTILLO:**

Joshua Walden?

**ATTORNEY WALDEN:**

Yes.

**JUDGE CASTILLO:**

Julie Lewin?

**ATTORNEY LEWIN:**

Yes.

**JUDGE CASTILLO:**

With that, the recommendation passes and OAH will issue a response with the given timeline before the agenda items before the October meeting.

Before we move to the next item, I think we'll be taking our break. We'll be taking a 15-minute break. I'll ask for the committee members and attendees to please turn off their cameras.

To the committee members, please do not discuss any items with any other committee members. We are still in the open meeting. So, any discussions must be on the record and be observable by members of the public.



So, we will be taking a break and we will return at 12-noon. If the recording can be paused and we'll take our break now. Thank you very much.

**(Off the Record)**

**JUDGE CASTILLO:**

We're back. It appears that all our committee members -- Dr. Sandoval, are you present?

**DR. SANDOVAL:**

Yes, I am.

**JUDGE CASTILLO:**

Okay. Then, all our committee members, Dr. Hooks, Mr. Shaw, Ms. Little, Ms. Anderson, Mindy Luby, Dr. Sandoval, James Lister-Looker, Joshua Walden, and Julie Lewin are present.

The next agenda item is timeliness of OAH issuing an order regarding a prehearing motion from the Southern California Committee. Which committee member submitted this?

**ATTORNEY WALDEN:**

I believe that was also me, Your Honor.

**JUDGE CASTILLO:**

Okay. Would you like to discuss this further?

**ATTORNEY WALDEN:**

Yes, Your Honor. When it comes to motions that are filed following the Prehearing Conference, sometimes OAH will respond or issue an order the

day before the due process hearing, which is obviously not ideal for either party involved should the hearing get continued.

So, this agenda item specifically is requesting just timeliness with regard to the issuance of an order regarding a prehearing motion filed after the Prehearing Conference.

**JUDGE CASTILLO:**

Okay. Are there any further -- any comments on this from the committee?

Any comments from any of our public attendees?

**MS. SAFFOLD:**

It appears there is no public comment at this time.

**JUDGE CASTILLO:**

Thank you. Mr. Walden, would you like to make a recommendation regarding this agenda item?

**ATTORNEY WALDEN:**

I'm happy to do so, Your Honor, but I'm open again to the flexibility in language here.

So, the recommendation would be that OAH will issue an order on a motion filed after the Prehearing Conference at least two business days before the first day of the due process hearing.

**JUDGE YAGIZI:**

I'm going to ask that you go a little bit slower. If you can please repeat?

**ATTORNEY WALDEN:**

Yes, Your Honor. So, the recommendation would be that OAH will issue an order on a motion filed after the Prehearing Conference at least two business days before the first day of the due process hearing.

**JUDGE YAGIZI:**

Thank you.

**JUDGE CASTILLO:**

Would any committee member like to second this recommendation?  
Dr. Hooks?

**DR. HOOKS:**

I second.

**JUDGE CASTILLO:**

Okay. Is there any further -- is there any committee comment regarding the recommendation for OAH to consider by Mr. Walden? Kathleen Anderson?

**ATTORNEY ANDERSON:**

I just want to make sure I'm understanding what this is. Because when I read the agenda item, I was thinking of motions that are filed before the Prehearing Conference.

So, are you thinking, Mr. Walden, of you've been at the Prehearing Conference and then during the PHC there's an issue that has arisen and the judge wants something filed or what? Because it's my understanding that motions tend not to be filed after the PHC.

I'm just trying to understand.

**ATTORNEY WALDEN:**

Sure. So, it's an example when a party files an untimely motion and either has good cause or does not have good cause for filing such a motion.

**JUDGE CASTILLO:**

Daniel Shaw?

**ATTORNEY SHAW:**

Yeah, just asking for more clarification as well. Are you talking about motions that are filed after a Prehearing Conference and --

**ATTORNEY WALDEN:**

I believe as the recommendation is now, that is correct.

**ATTORNEY SHAW:**

From a practical standpoint, how would that work if the motion is filed,, you know, a day before the onset at the Prehearing Conference and there's good cause for a filing?

**ATTORNEY WALDEN:**

No, I hear your concern and that's why I think I'm agreeable to a revision to the proposal. I think my concern here for both districts and families is that there are sometimes motions filed a day or two after the Prehearing Conference and there's not an order actually executed or sent out to the parties until the day before. And so both parties are stuck preparing for a due process hearing that inevitably gets continued.

So, I hear your concern, Mr. Shaw, I think -- I just -- that's the proposal that was kind of considered as part of the agenda item.

**ATTORNEY SHAW:**

So, is this specific to requests for continuing a due process hearing?

**ATTORNEY WALDEN:**

Not specifically.

**JUDGE CASTILLO:**

Based on the comments, Mr. Walden, would you like to revise the recommendation or keep it as is?

**ATTORNEY WALDEN:**

Your Honor, I'm happy to keep it as is.

**JUDGE CASTILLO:**

Okay. We'll be taking comments from the -- are there any further comment from the committee on this?

Okay. I'm going to the public. It appears that we have one person who would like to make a comment.

**MS. SAFFOLD:**

Okay. Anonymous Attendee, I will be allowing you to unmute yourself and starting a three-minute timer now. Please process.

**ANONYMOUS ATTENDEE:**

Thank you, Committee Members. I'm a parent of students with disabilities and I just want the committee to be cognizant of the fact that Mr. Walden does not represent families. He certainly does not represent the views of my family and it's really disingenuous for Mr. Walden to make a statement that he's looking out for the best interest of students and also districts.

I'll agree with him that he might be looking out for the best interest of districts, but he is certainly not looking out for the benefit of families and it's completely the opposite.

The families in my area are being litigated against heavily with hardball tactics. Attorneys for Special Ed students are being sanctioned needlessly by Mr. Walden's law firm.

So, it is ridiculous for him to represent himself as a do-gooder when his law firm is making a profit hand over fist litigating against students with disabilities to deny them services.

So, please, let's not pretend that Mr. Walden is here to represent families like mine because he's not. He's doing completely the opposite. Thank you.

**JUDGE CASTILLO:**

Thank you. Any written -- I see no further attendees. Any written comment, Ms. Saffold?

**MS. SAFFOLD:**

There's no written comment at this time.

**JUDGE CASTILLO:**

Okay. So, going to the recommendation from Mr. Walden, we will be taking a vote. Dr. Hooks?

**DR. HOOKS:**

Yes.

**JUDGE CASTILLO:**

Daniel Shaw?

**ATTORNEY SHAW:**

No.

**JUDGE CASTILLO:**

Jessica Little?

**MS. LITTLE:**

I'm sorry. Can you read the recommendation one more time, please?

**JUDGE YAGIZI:**

Yes. It is that OAH issue an order on a motion filed after the Prehearing Conference at least two business days before the first day of the due process hearing.

**MS. LITTLE:**

Yes.

**JUDGE CASTILLO:**

Ms. Little votes yes. Kathleen Anderson?

**ATTORNEY ANDERSON:**

Yes.

**JUDGE CASTILLO:**

Mindy Luby?

**MS. LUBY:**

Yes.

**JUDGE CASTILLO:**

Dr. Sandoval?

**DR. SANDOVAL:**

Yes.

**JUDGE CASTILLO:**

James Lister-Looker?

**MR. LISTER-LOOKER:**

Yes.

**JUDGE CASTILLO:**

Joshua Walden?

**ATTORNEY WALDEN:**

Yes, Your Honor.

**JUDGE CASTILLO:**

Julie Lewin?

**ATTORNEY LEWIN:**

No.

**JUDGE CASTILLO:**

Okay. The recommendation has passed both committees and OAH will be considering the recommendation and issuing a timely response to the recommendation.

The next agenda item from Southern California is issuance of written orders on motions orally argued on the first day of the due process hearing. Is this from you, I assume, Mr. Walden?



**ATTORNEY WALDEN:**

Yes, that's also me, as well, Your Honor.

**JUDGE CASTILLO:**

And would you like to say anything further on this?

**ATTORNEY WALDEN:**

Sure, Your Honor. This specific agenda item is with regard to when there is an oral motion argued on the first day of the due process hearing, whether that be by student's counsel or the school district's counsel, that OAH issue a written order following the first day of the due process hearing as well.

**JUDGE CASTILLO:**

Are there any further -- any discussion by any other comments by the other committee members? Daniel Shaw?

**ATTORNEY SHAW:**

Mr. Walden, is it your perspective that the judge can't rule on the first day prior to issuing an order or that they will issue an order, a written order, in addition to being able to rule on those pending issues at the start of the hearing?

**ATTORNEY WALDEN:**

It's the latter, Mr. Shaw.

**JUDGE CASTILLO:**

Any further comments, questions from the committee members on this?

**JUDGE YAGIZI:**

I have a clarifying question as notetaker. For Mr. Walden, is it -- did you mention that it was only on motions orally argued on the first day of the due process hearing?

**ATTORNEY WALDEN:**

That's correct, as I had indicated, Your Honor, yes.

**JUDGE YAGIZI:**

Okay, okay, thank you.

**JUDGE CASTILLO:**

Nothing further, we'll go to comments from the public attendees. We have one comment -- I mean one person requesting a comment from the public.

**MS. SAFFOLD:**

Okay. Attendee Blanca Vaughn you have permission to unmute yourself and I will be starting a three-minute timer now. Please process.

**ATTENDEE BLANCA VAUGHN:**

Actually, it's not a comment. It's more of a question. I am still not very clear as to the -- what Mr. Walden is trying to do with this recommendation.

Is that -- what you mean is the judge are not allowed to issue orders on the first day of the hearing? Will you please state your recommendation again? I just need more clarification.

**JUDGE CASTILLO:**

Well, right now, it's not -- we don't have a recommendation in front of us. It's a general discussion topic. After the public comments, I'll be asking any of the committee members if there's a recommendation on this agenda item. I will then ask for further discussions from the committee members and then open it up for any comments from the public attendees.

**ATTENDEE BLANCA VAUGHN:**

Okay, but can it be clarified again? I just want to make sure that I'm understanding what he's asking.

**JUDGE CASTILLO:**

What I will do, Ms. Vaughn, is after the conclusion of the public comments, I will be raising for all the committee members the questions that you or any other member of the public have raised during this comment period before we get to any possible recommendation to be voted on.

Then, you can have further comment at that time.

**ATTENDEE BLANCA VAUGHN:**

Thank you so much.

**MS. SAFFOLD:**

Thank you. We have another comment from Anonymous Attendee. You now have permission to unmute yourself and a three-minute timer has started. Please process.

**ANONYMOUS ATTENDEE:**

Once again, Mr. Walden needs to stop misrepresenting that he's representing families here. He is not representing families. He's representing

the special interest of his law firm; and I would really like to know who is funding Mr. Walden participating here today, because I doubt that he's doing it as a volunteer, like families and parents have to do.

So, I wanted to thank Mr. Shaw for his comments. And, point of order, I don't believe the previous item had a quorum in Southern California. The judge stated it passed both committees. I don't believe that there was a quorum as far as number of votes from Southern California.

Thank you.

**JUDGE CASTILLO:**

As to the response, there is a quorum in Southern California. We have sufficient members attending in Southern California and the vote is by the members who are attending.

So, the previous agenda item carried.

A further addition is that OAH, as I indicated before, this is a committee of Northern California and Southern California, and if a recommendation hypothetically passed one, but did not pass the other, we would still consider the recommendation and issue a response as if from that one committee in which it passed.

So, in response to the committee comments and the public comments - oh, I'm sorry, Ms. Saffold, is there any written public comments?

**MS. SAFFOLD:**

There is no written comment at this time.

**JUDGE CASTILLO:**

Okay. So, Mr. Walden, is there anything further that you'd like to discuss before we move into a recommendation on this item?

**ATTORNEY WALDEN:**

The only thing I would clarify is that ALJs -- it's my understanding that ALJs can issue an oral order with regard to an oral motion and just this particular item is requesting that they also issue a written order the same day as any ruling on an oral motion on the first day of the due process hearing.

Judge Yagizi, could you repeat the recommendation?

**JUDGE YAGIZI:**

All right. And, again, Mr. Walden, let me know if I've captured it.

That OAH issue written orders memorializing any verbal rulings made on motions orally argued on the first day of hearing.

**ATTORNEY WALDEN:**

That's correct, Your Honor.

**JUDGE YAGIZI:**

Okay.

**ATTORNEY WALDEN:**

And to clarify, just that it would be the same day.

**JUDGE YAGIZI:**

I'm trying to figure out where to put that.

That OAH issue written orders --

**JUDGE CASTILLO:**

I would say the same day.

**JUDGE YAGIZI:**

(Inaudible) --

**JUDGE CASTILLO:**

I can't hear you.

**JUDGE YAGIZI:**

Okay. So, how about that OAH issue written orders memorializing any verbal rulings made on motions on the same day the -- on the same day as the first day of hearing.

Okay. So -- sorry. That OAH issue written orders memorializing any verbal rulings made on motions orally argued on the first day of hearing and that those written orders are issued the same day.

**JUDGE CASTILLO:**

Mr. Walden?

**ATTORNEY WALDEN:**

I think that captures what I was trying to say, Your Honor.

**JUDGE CASTILLO:**

Thank you. Is there any committee member who would like to second the recommendation? Dr. Hooks?

**DR. HOOKS:**

I second.

**JUDGE CASTILLO:**

Is there any committee comments or discussion on the recommendation put forth by Joshua Walden? Daniel Shaw?

**ATTORNEY SHAW:**

Sure. I was in agreement with this recommendation until the additional language that it would be done on the same day. I'm not sure that that's practical.

I understand preserving the record and wanting a written transcript -- or you know, a written order as part of the record. But from a practical perspective, I think it's going to be quite tedious and might likely result in error in that written order provided that our hearings last most of the day.

I'm not sure there would be enough time to issue a written order, particularly if there are several issues at the beginning of the due process hearing that are decided by oral motion.

**JUDGE CASTILLO:**

Any other further comment from members of the committee?

Comments from the public, Ms. Vaughn?

**MS. SAFFOLD:**

You now have permission to unmute.

**ATTENDEE BLANCA VAUGHN:**

Thank you.

**MS. SAFFOLD:**

And your timer has three minutes.

**ATTENDEE BLANCA VAUGHN:**

Thank you. I agree with Mr. Shaw. I think that would be too much work for the judges to issue an order on the same day, when there's really nothing that the parties will be able to do at that time.

The decisions of the judges will be written regardless of whether it is, you know, a two-day hearing or three-day hearing. But I think it would be a waste of time, money, and too much work for the judges to try to make a decision on the same day for a written motions.

The parties would not be able to appeal the motion. They would not be able to do anything at that point. And the parties will be -- I believe they will be too busy trying to get through the end of the due process hearing.

That is my two cents comment and feedback. Thank you.

**JUDGE CASTILLO:**

We have Roberta Savage.

**MS. SAFFOLD:**

Attendee Roberta Savage, you can now unmute yourself. Please process, three minutes.

**ATTENDEE ROBERTA SAVAGE:**

In my experience with OAH, if there's going to be a written order, we're typically given an opportunity to write if it's going to be that extensive.

So, I feel like this motion to insist on a written order on the day of an oral argument is not necessarily appropriate because, again, if we're going to insist on a written order from the judge, oftentimes the attorneys are asking for time to put something in writing in addition to what we've argued orally.



So, I think, like Mr. Shaw said, it's practically not practical and I also think the scope of the motion may require something in writing from the parties. Thank you.

**JUDGE CASTILLO:**

Ms. Saffold, any written comments?

**MS. SAFFOLD:**

There's no written comment at this time.

**JUDGE CASTILLO:**

Okay. Mr. Walden, based on the committee comments and the comments from the public, would you like to keep the recommendation as is for a vote or would you like to change it?

**ATTORNEY WALDEN:**

Your Honor, I believe I'm open to amending it. I do want to clarify that it was just for oral motions. So, if anything were to be put into writing following an oral motion as requested by the judge or as requested by the parties, that would be something specifically dealt with as part of this recommendation.

That being said, if there's a time frame to which the committee thinks that it would be reasonable to request a written order, I'm happy to amend, Your Honor.

**JUDGE CASTILLO:**

Any comment from the committee as to possible time frames or changes to the recommendation?

So, right now, Mr. Walden, unless you have any change for us since it's been seconded, we'll take a vote as is. Unless you have a specific change

that you'd want to make right now? We would then get a second and go through a comment period again.

**ATTORNEY WALDEN:**

No, Your Honor, that's fine.

**JUDGE CASTILLO:**

Okay. So, we will be taking a vote on the recommendation that if there is oral motions made at the first day of hearing, that the administrative law judge would issue a written decision that day. Dr. Hooks?

**DR. HOOKS:**

Yes.

**JUDGE CASTILLO:**

Daniel Shaw?

**ATTORNEY SHAW:**

No.

**JUDGE CASTILLO:**

Jessica Little?

**MS. LITTLE:**

Yes.

**JUDGE CASTILLO:**

Kathleen Anderson?

**ATTORNEY ANDERSON:**

Yes.

**JUDGE CASTILLO:**

Mindy Luby?

**MS. LUBY:**

No.

**JUDGE CASTILLO:**

Dr. Sandoval?

**DR. SANDOVAL:**

No.

**JUDGE CASTILLO:**

James Lister-Looker?

**MR. LISTER-LOOKER:**

No.

**JUDGE CASTILLO:**

Joshua Walden?

**ATTORNEY WALDEN:**

Yes.

**JUDGE CASTILLO:**

Julie Lewin?

**ATTORNEY LEWIN:**

No.

**JUDGE CASTILLO:**

Okay. So, the votes of Northern California are three ayes and two nays. The votes in Southern California are one aye, three nays.

So, this recommendation will be considered by a recommendation for OAH to consider by the Northern California Committee.

Timeliness of providing transcripts of a due process hearing from the Southern California. Would the committee member who put this forward like to discuss this further?

**ATTORNEY WALDEN:**

Yes, Your Honor. This one is me as well.

So, this particular item is with regard to a request for a timeline in which OAH would provide the administrative record following a due process hearing to the requesting party.

**JUDGE CASTILLO:**

Okay. Is there any further discussion from the committee on this topic? Kathleen Anderson?

**ATTORNEY ANDERSON:**

I guess I want some clarification. Is the proposal that there be a commitment of some kind, a time commitment, by OAH by which the record would be provided, or the transcript?

**ATTORNEY WALDEN:**

That is correct. In reviewing the form and just in my practice, I don't believe that there is a timeline at this time.

**JUDGE CASTILLO:**

Just for the parties, I'd like to give a little clarification from the Office of Administrative Hearings.

For the transcripts, it is both we do transcripts for our hearings and also for the general jurisdiction side. So, when you're talking your hearings, you also have to consider that we're also processing transcripts for general jurisdiction for their hearings for the license and revocation hearings, retirement board hearings, Department of Developmental Services cases if they're on appeal in those matters.

So, we do have a wide variety of transcripts that we do provide parties and different administrative realms.

The other thing is also when parties do request transcripts for hearings that we do send a letter out to parties asking if the matter is on appeal. There's an appeal letter that we send out that requests parties to complete.

So, if we know the matter is on appeal or not, it is important for OAH to get those responses to those appeal letters as we make determinations about processing transcripts.

Otherwise, our processing of the transcripts for any of the proceedings just go in a queue and they are handled in the queue unless we are told that there is some reason, a court order or something else, for us to expedite the provision of the transcript.

So, I'm going to go, Jessica Little, did you have a comment?

**MS. LITTLE:**

I have a question to clarify a little bit. What is the average time frame right now? Is like a month, six months? I have no basis for it.

**JUDGE CASTILLO:**

Without looking at statistics, I cannot give an answer on behalf of OAH right now.

Kathleen Anderson, is there anything further?

Mindy Luby, did you have your --

**MS. LUBY:**

Thank you.

**JUDGE CASTILLO:**

-- hand up or?

**MS. LUBY:**

I'm having button issues.

**JUDGE CASTILLO:**

Okay.

**MS. LUBY:**

I wonder if Mr. Walden could just speak a little further as to the intent behind it, the benefit for each party? Being an advocate and not being able to attend due process hearings and not having to necessarily manage this issue outside of those with my own children, I just wonder if we could get a little clarity for those of us who do not manage this.

**JUDGE CASTILLO:**

Mr. Walden?

**ATTORNEY WALDEN:**

Yes, Your Honor, I'm happy to speak to my understanding of it.

So, my understanding is that either party that participates in a due process hearing may request the administrative record, and as the judge has indicated, they will indicate whether they're going to be appealing it or not, and it's for purposes of appeal or for purposes of attorneys' fees.

Again, as either party can request it, the proposal would be just to establish a timeline to which either party would receive the administrative record following a due process hearing from OAH.

**JUDGE CASTILLO:**

Daniel Shaw?

**ATTORNEY SHAW:**

Judge Castillo, please correct me if I'm wrong, but there's a difference between the administrative record and the transcripts for a proceeding, correct?

**JUDGE CASTILLO:**

Parties do request, at times, just the recording of the hearing and we will provide a CD basically of the recording of that.

There are other people who will request the full administrative transcript, which will include the transcript, a written transcript, of who said what and also a copy of the exhibits that were introduced and admitted in hearing.

So, there's different types of requests and that is indicated on the form on our website.

Is there any further comment from the committee on this agenda item?  
None.

For the public attendees, we have one person who would like to make a public comment.

**MS. SAFFOLD:**

Attendee Blanca Vaughn, you now can unmute yourself and please proceed with your comment. You have three minutes.

**ATTENDEE BLANCA VAUGHN:**

Thank you. With the -- regarding the letter that OAH sent as to whether or not to expedite the records, I think it only mentioned if the person is going to appeal, but I don't think it states whether or not it's needed for attorneys fees.

So, I don't know if the committee could add that as well? Could OAH add that, that it's either for appealing or attorneys fees?

And besides that, I don't see that OAH needs to expedite any transcript unless they're really necessary. Thank you.

**JUDGE CASTILLO:**

We have one more person who'd like to comment.

**MS. SAFFOLD:**

Okay. Anonymous Attendee, you now can unmute yourself and proceed with your comment. You have three minutes.



**ANONYMOUS ATTENDEE:**

Thank you so much. I appreciate the comments made by the prior commenter and I believe that Mr. Walden and his law firm are really using this committee for their own particular interest.

He just mentioned attorney fees, which it is a tactic that his law firm is trying to employ as an intimidation tactic against parents. You know, these hardball tactics, like the sanctions -- they recently just lost a case in Alta Loma, where they filed for sanctions against a parent attorney. And they routinely do this.

So, the fact that he's signaling that he's doing it for attorney fees only leads me to believe that he is carrying out the nefarious purposes of his law firm's special interest and using this committee as their puppet to accomplish their own financial interests.

Thank you.

**JUDGE CASTILLO:**

Ms. Saffold, any public comment, written public comment, on this?

**MS. SAFFOLD:**

There's no written public comment at this time.

**JUDGE CASTILLO:**

Okay, thank you. Mr. Walden, would you like to -- or any committee member, make a recommendation on this agenda item?

**ATTORNEY WALDEN:**

I'm happy to do so, Your Honor. The recommendation would be that OAH establish a timeline in which it will provide the administrative record following a due process hearing to a requesting party.

**JUDGE CASTILLO:**

Judge Yagizi?

**JUDGE YAGIZI:**

I apologize, Mr. Walden, one more time please?

**ATTORNEY WALDEN:**

Happy to do so, Your Honor. The recommendation would be that OAH establish a timeline in which it will provide the administrative record following a due process hearing to a requesting party.

**JUDGE YAGIZI:**

So, what I have is that OAH establish a timeline in which it will provide the administrative record after a due process hearing to a requesting party.

**ATTORNEY WALDEN:**

That is correct, Your Honor.

**JUDGE YAGIZI:**

Thank you.

**JUDGE CASTILLO:**

Is there a second? Dr. Hooks?

**DR. HOOKS:**

I second.

**JUDGE CASTILLO:**

Thank you. Is there any further -- is there any comment from the committee members on this recommendation by Mr. Walden?

Is there any comment -- seeing none, is there any public comment on this recommendation from the committee?

Ms. Saffold, seeing no hands up, any written comments come in?

**MS. SAFFOLD:**

There is no written comment at this time.

**JUDGE CASTILLO:**

Okay. We will take a vote as to the recommendation for OAH establishing a timeline for production of an administrative record. Dr. Hooks?

**DR. HOOKS:**

Yes.

**JUDGE CASTILLO:**

Daniel Shaw?

**ATTORNEY SHAW:**

Yes.

**JUDGE CASTILLO:**

Jessica Little?

**MS. LITTLE:**

Yes.

**JUDGE CASTILLO:**

Kathleen Anderson?

**ATTORNEY ANDERSON:**

Yes.

**JUDGE CASTILLO:**

Mindy Luby?

**MS. LUBY:**

Yes.

**JUDGE CASTILLO:**

Dr. Sandoval?

**DR. SANDOVAL:**

Yes.

**JUDGE CASTILLO:**

James Lister-Looker?

**MR. LISTER-LOOKER:**

Yes.

**JUDGE CASTILLO:**

Joshua Walden?

**ATTORNEY WALDEN:**

Yes.

**JUDGE CASTILLO:**

Julie Lewin?

**ATTORNEY LEWIN:**

Yes.

**JUDGE CASTILLO:**

As the recommendation has passed, OAH will issue a response in a timely fashion before the agenda items are due for the fall.

The next agenda item regards the good cause requirement for filing an untimely Prehearing Conference motion from Southern California.

Mr. Walden, this is yours?

**ATTORNEY WALDEN:**

That's correct, Your Honor.

**JUDGE CASTILLO:**

Would you like to discuss this first and then we'll take comments from the Advisory Committee?

**ATTORNEY WALDEN:**

Sure, Your Honor. Any time there's an order following a Prehearing Conference, the order will generally indicate if a party is going to file an untimely motion, then it will require a declaration under penalty of perjury just establishing good cause as to why the prehearing motion wasn't timely filed.

In my experience, and hearings experience from other individuals, that always isn't held to that standard and so this pertains to just holding to that standard as indicated in most, if not all, orders following Prehearing Conferences.

**JUDGE CASTILLO:**

Is there any comment from the committee members on this agenda item? Daniel Shaw?

**ATTORNEY SHAW:**

Just for clarification purposes, is the concern, Mr. Walden, that the standard of establishing good cause is not being applied equally?

**ATTORNEY WALDEN:**

That's a great question. No, it's as to there not being a declaration under penalty of perjury establishing good cause.

**JUDGE CASTILLO:**

Any further comment from the committee on this agenda item?  
Kathleen Anderson?

**ATTORNEY ANDERSON:**

I'm sorry. Mr. Walden, I thought that you were suggesting that the good cause standard is somewhat vague. But now after you answered Mr. Shaw's question, are you saying that sometimes there is no declaration purporting to establish good cause?

**ATTORNEY WALDEN:**

That's correct, Ms. Anderson. I think the agenda item as written was somewhat misleading.

**ATTORNEY ANDERSON:**

Okay.

**ATTORNEY WALDEN:**

So, I apologize for that. I hope that clarifies.

**JUDGE CASTILLO:**

Daniel Shaw?

**ATTORNEY SHAW:**

So, just for further clarification, are you proposing that when a motion is -- an untimely motion is filed that it doesn't need to include a declaration establishing good cause?

**ATTORNEY WALDEN:**

No, I don't believe that's what I'm saying. I'm saying that it would require a declaration under penalty of perjury establishing good cause.

**ATTORNEY SHAW:**

Is that -- I thought that was the requirement as it stands now.

**ATTORNEY WALDEN:**

Correct; and the agenda item is pertaining to instances when ALJs have not required that declaration under penalty of perjury, even though the order following the Prehearing Conference requires the party to do so.

**JUDGE CASTILLO:**

Any further comment on this agenda item from the committee?

Seeing none, we have three -- four now people requesting public comment.

**MS. SAFFOLD:**

Okay. Anonymous Attendee, you can now unmute yourself and you have three minutes to comment. Please proceed.

**ANONYMOUS ATTENDEE:**

Thank you so much. I hope it's become very apparent, especially to those on this committee that are representing, that are truly representing, students and families that Mr. Walden is monopolizing the committee for his own interest.

I want to remind the committee that the purpose of the due process hearing process in IDEA is to make it accessible to parents and it's not supposed to run like a court.

It's supposed to be a more informal administrative process, so that parents have access to the process.

What Mr. Walden is suggesting of, you know, having the requirement for a declaration, many parents, especially those that are self-represented, that are low income, that the State of California wants to protect because the whole point of the due process system is to protect students, not districts.

You know, what he's suggesting just makes it more legalistic, more barriers for parents, and more opportunities for the districts and the law firms representing the districts to basically ding parents and to throw out stuff and file motions opposing that the parents didn't dot the I and cross the T because parents are not lawyers.

And Mr. Walden's law firm will come in many times with four or five attorneys plus six paralegals or however many paralegals against an underrepresented parent, who may not even have an advocate.



So, this process will be used against parents by Mr. Walden's law firm and the like to gain an advantage in litigation. That's what we're talking about here.

So, I hope those of you on the committee that are representing parents realize this and vote against his item and his monopolizing of this committee.

Thank you.

**JUDGE CASTILLO:**

Thank you.

Next, Blanca Vaughn?

**MS. SAFFOLD:**

Okay. Attendee Blanca Vaughn, you can now unmute yourself. You have three minutes to provide comment. Please proceed.

**ATTENDEE VAUGHN:**

Thank you. I believe, if I'm not mistaken, that most attorneys know this requirement and they will advise their clients about this requirement.

If it is for unrepresented parents, then I think that parents will feel more intimidating (sic) to go forward because they will not know what to do. And I think this is where a mediator or someone, an advocate, or someone that OAH assigned could help explain to parents what they need to do.

But I don't think -- I think the judges are doing a great job as to that. I've never seen the judge where -- it could be different in Southern California, but in Northern California, I don't think this has been an issue for us.

Thank you.

**JUDGE CASTILLO:**

Debra Kim (phonetic).

**MS. SAFFOLD:**

Okay. You now can unmute yourself. You have three minutes to provide comment. Please proceed.

**ATTENDEE DEBRA KIM:**

Hi, thank you all for this committee. Yes, my comment was quite honestly as a parent, even this topic was very confusing to me. This sounds like this is all very legalistic and, quite honestly, I didn't even understand the proposal here.

So, I appreciate, I think it was Caller Anonymous, who kind of explained that this would add more paperwork essentially for parents.

And I would like to kind of second that idea that this process is already really, really intimidating for parents and to keep adding more and more legal paperwork just makes it harder and harder for parents, even when they are represented. And, as we know, not everybody is.

But even when they do have an attorney, it just sounds to me like it's more and more hoops for the parents and their attorneys to jump through. And then to provide an avenue for, you know, catching them if they didn't, you know, do everything correctly. And then an avenue for going after sanctions and all kinds of things that we've seen.

Parents of children with disabilities already undergo so much discrimination, so much punitive actions from the districts. We don't need that from this process. This process is supposed to be to resolve issues.

And, again --

**JUDGE CASTILLO:**

Ms. Kim?

**ATTENDEE DEBRA KIM:**

Yes?

**JUDGE CASTILLO:**

Can you slow down just a little bit for the interpreter?

**ATTENDEE DEBRA KIM:**

Okay, yes, I'm sorry.

**JUDGE CASTILLO:**

Go ahead.

**ATTENDEE DEBRA KIM:**

This process is supposed to be to resolve issues. It is not supposed to be an intimidating legal process, where the parents are always the underdog. They're always fighting attorneys.

OAH already finds in favor of parents in a minority of cases, so parents already are battling against all odds here. So, let's not make it more difficult in the process.

And, I would also like to suggest that during these committee meetings, which are also supposed to be for parents, but all of these legal terms are explained and it's really clear as to what is being proposed.

Because, like I said, I was very confused even with some of the questions here. So, I just want to remind all of you that this process is supposed to be not so legalistic for parents. And using laymen's terminology would be greatly appreciated.

Thank you.

**JUDGE CASTILLO:**

Thank you. Next will be Attendee Steele.

**MS. SAFFOLD:**

Attendee Steele, you now can unmute yourself and you have three minutes to comment. Please proceed.

**ATTENDEE STEELE:**

Hi, everybody. My concern is I haven't seen this as an issue, so I don't know where it's coming from and if it doesn't happen that often, I wouldn't want to take up the time of this committee.

What I do -- I just pulled up the self-help section from the OAH website, and I'm just looking, glancing, quickly, but I don't know if the declaration is explained very clearly for families, and that would be my concern.

Unrepresented families, if a judge has ruled without the declaration, there may be a reason for that, but it's not something I have seen.

And, so, but I also know that I don't know if parents would understand a declaration and what that means and why it would be relevant -- why it would be necessary for this type of motion.

If that's the case -- and if it's not placed in the self-help, it would be very hard to hold them to that standard if they don't understand what exactly a declaration means and how to write one.

So, that's all I have to say. Thanks, everybody.

**JUDGE CASTILLO:**

Thank you.

**MS. SAFFOLD:**

All right. Attendee Janet Valenzuela (phonetic), you now can unmute yourself and you have three minutes for comment. Please proceed.

**ATTENDEE JANET VALENZUELA:**

Thank you. Echoing a few of the comments that were already previously made, I have yet to hear an argument from Mr. Walden how this is going to be helpful to the due process proceeding.

This seems to unfairly impact parents especially and this, quite frankly, allows for district counsels to bill a lot more to school districts.

So, I would like to hear more on how this is helpful to the due process proceeding overall because I have yet to hear that.

I appreciate your time. Thank you.

**JUDGE CASTILLO:**

Thank you. Ms. Saffold, any written comments?

**MS. SAFFOLD:**

There's no written comment at this time.

**JUDGE CASTILLO:**

Thank you. Mr. Walden, would you like to make a recommendation on this agenda item?

**ATTORNEY WALDEN:**

Sure, Your Honor, and it's going to consider some of the input that was provided in the general comment.

So, the recommendation would be that OAH require a declaration under penalty of perjury establishing good cause as to why a prehearing motion was not timely filed, along with an update to the self-help information section explaining the same.

**JUDGE YAGIZI:**

I can say what I have and repeat it back that OAH --

**JUDGE CASTILLO:**

Yes, please.

**JUDGE YAGIZI:**

-- require a declaration under penalty of perjury establishing good cause as to why a prehearing motion was untimely filed, as well as an update to the self-help section of the Special Education website explaining the same.

**ATTORNEY WALDEN:**

That correctly encapsulates what I said, Your Honor. Thank you.

**JUDGE YAGIZI:**

Okay.

**JUDGE CASTILLO:**

Is there any committee member who would like to second this recommendation? Dr. Hooks?

**DR. HOOKS:**

I second.

**JUDGE CASTILLO:**

Any further -- any comment from the committee on this recommendation? Daniel Shaw?

**DR. HOOKS:**

Yeah, I have grave concern about this recommendation, particularly for pro per parents.

In District-filed cases, there's no resolution period. So, those hearing dates are set very quickly and it's often the case that the parent gets to the Prehearing Conference unrepresented, without counsel, not knowing what to do, not having filed any motion; and this would be quite detrimental to them in that situation if they didn't -- you know, as one caller put it, you know, dot there I's and cross their T's.

In my practice currently, we have a huge wait list; parents waiting to get through our system. And in conversations with other attorneys throughout the state, it's no different.

We can't get to these cases quick enough and we're all overwhelmed, I think, on all sides in addition to the Office of Administrative Hearings in processing these cases.

I saw the statistics between March of 2020 and September of 2021, and it was about 5600 cases that were filed. So, anything along the lines that would be prejudicial to a pro per parent, you know, I could not support and would urge others on the committee not to support such a notion.

I think as practicing attorneys, we understand what good cause is, as well as what a declaration is and what our responsibility is, but we have been cognizant of the fact that this process is developed and supposed to be accessible to parents to navigate as effectively as they can on their own should they choose to engage representation or if they're not able to find an attorney in a timely manner, as is the case in many situations; particularly in district-filed cases with short timelines.

That's all I have to say. Thank you.

**JUDGE CASTILLO:**

Thank you. Kathleen Anderson?

**ATTORNEY ANDERSON:**

Well, I just want to clarify that the proposal is -- or the recommendation is not creating a new requirement, but it's asking that the existing rule that is already out there that I believe is an OAH rule, that there be a declaration accompanying an untimely filed motion, that that be -- that that be uniformly enforced across the board.

In my own practice, I don't see this happening very much, but when I have, it's been attorneys. It hasn't been self-represented parents that have gotten hurt by this. In my experience, the judges have been more willing to accept something from an unrepresented parent that doesn't have a declaration, but has some reason in the document itself. So, that, you know, it's taking into account that the parent is not working with an attorney, but is trying to explain in the motion itself what's happening.

I think that's much different than when attorneys don't file these declarations. I think that's problematic.



**JUDGE CASTILLO:**

Any further comments from the committee?

Any public? We have one commenter.

**MS. SAFFOLD:**

Okay. Attendee Blanca Vaughn, you can now unmute yourself and you have three minutes for comment. Please proceed.

**ATTENDEE VAUGHN:**

Thank you. Just a short comment. Let's just remind ourselves that idea was to protect the students and parents rights and it seems to be that this, what Mr. Walden is looking for, would be more prejudicial to the parents.

So, I don't think that we really need to have more wording into the due process. We already have enough. The attorneys know what to do. If they make a mistake, they know what to do and what to follow.

Parents, sometimes, they get intimidated and they will finish the process and there will be no due process for the parents, nor for the student.

Thank you.

**JUDGE CASTILLO:**

Thank you, Ms. Vaughn. No other verbal public comment. Any written public comment on this, Ms. Saffold?

**MS. SAFFOLD:**

There's no written comment on this item at this time.

**JUDGE CASTILLO:**

Okay. We will now take a vote on the recommendation regarding provision of good cause and untimely motions and that OAH provide information on its website to self-represented parents on declarations. Dr. Hooks?

**DR. HOOKS:**

Yes.

**JUDGE CASTILLO:**

Daniel Shaw?

**ATTORNEY SHAW:**

No.

**JUDGE CASTILLO:**

Jessica Little?

**MS. LITTLE:**

No.

**JUDGE CASTILLO:**

Kathleen Anderson?

**ATTORNEY ANDERSON:**

Yes.

**JUDGE CASTILLO:**

Mindy Luby?

**MS. LUBY:**

No.

**JUDGE CASTILLO:**

Dr. Sandoval?

**DR. SANDOVAL:**

No.

**JUDGE CASTILLO:**

James Lister-Looker?

**MR. LISTER-LOOKER:**

No.

**JUDGE CASTILLO:**

Joshua Walden?

**ATTORNEY WALDEN:**

Yes.

**JUDGE CASTILLO:**

Julie Lewin?

**ATTORNEY LEWIN:**

No.

**JUDGE CASTILLO:**

The vote in Northern California was two yays, three nays. In Southern California, it was one yay, two nays. The recommendation does not pass either committee. OAH will not be considering this recommendation nor issuing a response regarding it.

**JUDGE YAGIZI:**

Judge Castillo, can I just confirm my count on the Southern California vote? I have one yay, three nays.

**JUDGE CASTILLO:**

Oh, I'm sorry, yes. Yeah, one yay, three nays.

**JUDGE YAGIZI:**

Thank you.

**JUDGE CASTILLO:**

And the last agenda item is updating and accessing OAH orders on its website including a search function or database. Mr. Walden?

**ATTORNEY WALDEN:**

Yes, Your Honor, I believe this is one that's been brought to the Advisory Committee over the last few years. It's just pertaining to that OAH provide direct access to all orders and updated orders on its website.

**JUDGE CASTILLO:**

I'd just like to repeat what Division Chief (Inaudible) had said at our last Advisory Committee meeting and it was in the response to the recommendation is that the requirement in the CDE contract and in federal

state law is relating to decisions, making our decisions, all our decisions, available to the public through the website and we use the box account for searches on our website. And we have that.

And that our documents are accessible and meet Section 508 of federal law for accessibility requirements.

Under orders, there is no other equivalent and our contract with the California Department of Education for publishing all our orders. There is just the requirement in the interagency agreement and also in the Title 5 regulations for OAH providing orders of interest.

And that is what we had done earlier this year.

If there's any other orders that the public -- types of orders that the public would like to see on our website, they may write the Office of Administrative Hearings and indicate what other types of orders they would like to see on our website.

And the other issue regarding publishing of all our orders is, as I indicated, Section 508 has accessibility requirements and we would have to then make all our orders accessible and meet the requirements under the Americans with Disabilities Act and the regulations that have been put out.

And we would have to do that for every single order that we would have to put on our website.

Is there any further comment from the committee members on this topic -- on this issue? Mr. Daniel Shaw?

**ATTORNEY SHAW:**

Yeah, I believe for both sides where this issue becomes problematic is when there's a cite to a specific order that you can't access and you have three days to respond to a particular motion or reply to an opposition, and you don't know the basis of what was actually in that order.

It's been very frustrating when you attempt to contact OAH and you're told to make a written request because they treat that as a public records request, which could take well beyond the time period you have to respond to the motion.

It's interesting because this is actually addressed in the California Rules of Court and perhaps this is something that can be thought about and formulated as a proposal at a later Advisory Board Committee.

But under the California Rules of Court, when a motion is filed, you have the right to request from the person who filed it, who you're opposing, copies of the decisions that they're relying upon. And there's actually sanctions that can be imposed for failing to provide those copies.

Perhaps that's a work-around if we can't get the OAH to provide a database is accessible, so we can actually respond to some of the cases that are being cited to in the moving papers.

But I know this is a frustrating issue for both sides and I've dealt with it on a regular basis, where there's five OAH orders that are cited to and I can't see what is actually in those OAH orders, unless it happens to be on the box; which, in my experience, has been very rare.

**JUDGE CASTILLO:**

Is there any further comment from any committee member?

Not seeing any, there are three public attendees who would like to comment.

**MS. SAFFOLD:**

All right. Attendee Janeen Steel, you now can unmute yourself. You have three minutes for public comment. Please proceed.

**ATTENDEE JANEEN STEEL:**

Hi, Committee. There's just a couple of questions I have on this, or maybe there's a clarification.

The first thing is the decisions by settlement, I have actually done three of them. Those are not on the orders. I think they should be because they are decisions. They have the full force and effect of decisions, and I think it's important to have those online for people to see there are decisions by settlement.

The second is regarding the orders, it is a problem. It may require -- you know, the problem is does it require all of us to put in a public records request to get all of them, so we know where everything is and what's this and that.

It becomes a problem, right? Because the orders -- the OAH judges rely on the previous orders, even though they don't -- I mean, they don't have to, but that's kind of what happens.

So, I think -- you know, I understand that they have to be accessible. I think that's a reasonable request and it would be much more productive and easier to have consistent orders if we all can see the orders as they're presented.

Thank you.

**JUDGE CASTILLO:**

Thank you. Next comment?

**MS. SAFFOLD:**

Anonymous Attendee, you now can unmute yourself. You have three minutes for comment. Please proceed.

**ANONYMOUS ATTENDEE:**

Yes, thank you. I wanted to echo Mr. Shaw's comments on this issue and I just wanted to interject that many parents wish they could participate in these meetings, but because of the timing a lot of them are working or caregiving for children who have disabilities and childcare for those children is not that easy to find. It requires specialized childcare.

But we do have a volunteer group of parents who share the information about this committee. There are Facebook groups with 1600 members of parents of students with disabilities.

So, the votes that you're taking here today, I'm here to tell you that what happens here is not going to stay here. So, I definitely appreciate those of you who have supported the parent community.



On the issue before the committee, this recommendation has been brought up before by many parent attorneys. So, thank you, Judge Castillo, for echoing the comments and the response from Marian Tully on this issue.

Now, if the committee and OAH go along with Mr. Walden's recommendation just because it was FFF that brought it up, it is going to become apparently clear that there is a double standard because when parent representatives were bringing the issue before, OAH did not accept recommendations and we heard from Mr. Castillo what the response was from Ms. Tully.

So, if there's going to be a change, then it's going to become very obvious to everybody that just because Mr. Walden and FFF is asking, then OAH is going to roll over.

So, even though I don't want to throw the baby out with the bathwater, and I am for more transparency and more accessibilities and, you know, OAH is a state agency so the issue of providing ADA accessibility, I'm not receptive to that just because it's going to be more work for the state agency. That should be a reason not to do it.

But there is an optics issue going on here, so, thank you.

**JUDGE CASTILLO:**

Thank you.

**MS. SAFFOLD:**

Okay. Attendee Debra Kim, you now can unmute. You have three minutes for public comment. Please proceed.

**ATTENDEE DEBRA KIM:**

Thank you. Yes, it sounds like this actually would benefit everyone to have all of the orders. Quite honestly, again, as a parent, I'm very troubled by the reason for not providing these, which would help both sides, is that because they would have to be presented in an accessible way regarding ADA.

I mean, I'm kind of astounded here that I have to remind this committee that the whole purpose of OAH is dealing with Special Education cases, so we are dealing with children with disabilities.

And I'm really kind of floored by the excuse that oh, we don't want to do more work because we would have to make it accessible for people with disabilities. So, therefore, we're not going to provide it to anyone.

That would be like saying that you didn't want to include a wheelchair ramp in a building, so you're just not going to build the building.

I'm really, really troubled by that kind of perspective here and I also want to echo a few of the comments here. I really feel like parents are not being represented at this committee. This committee sounds like it's all attorneys. You're all talking legalese and you're all, from my perspective, the majority or at least the proposals here all seem to be anti-parent.

So, I'm really troubled by this committee and I would like to see what we can do to get more parent involvement, get rid of the legalese, and make this more accessible to all parents as it's supposed to be.

Thank you.

**JUDGE CASTILLO:**

Thank you. Ms. Saffold, is there any written comment?

**MS. SAFFOLD:**

There is no written comment on this item at this time.

**JUDGE CASTILLO:**

Mr. Walden, is there any recommendation that you would like to make on this agenda item?

**ATTORNEY WALDEN:**

Yes, Your Honor, that OAH provide direct access to all orders on its website.

**JUDGE CASTILLO:**

Is there any second to this recommendation? James Lister-Looker?

**MR. LISTER-LOOKER:**

I second.

**JUDGE CASTILLO:**

Okay, we have a second.

**JUDGE YAGIZI:**

If I could have the recommendation rephrased, please? Not rephrased, repeated.

**ATTORNEY WALDEN:**

Yes, Your Honor, that OAH provide direct access to all orders on its website.

**JUDGE YAGIZI:**

Thank you.

**JUDGE CASTILLO:**

Okay. Any comment from the Advisory Committee on the recommendation for OAH to consider? Kathleen Anderson?

**ATTORNEY ANDERSON:**

It does seem that this proposal would benefit everybody, and I -- at the risk of being negative, just, you know, based on OAH's past perspective on this, I'm not sure that OAH is going to agree to post all of the orders.

That said, it is troubling when a pleading is filed, a motion or whatever it is, and it cites to an order that the other party can't get. That's not right.

And I'm just wondering if there's some kind of a middle ground that could be worked out where, if I don't get shot for this, where whoever is filing that plea, that motion, and whoever has that citation in their document, has to attach the order to their document and then the whole thing gets filed with OAH.

That way the other side has a copy of it and then we don't have to worry about the Public Records Act request or trying to get it through OAH; that kind of thing. Everybody would have the same thing.

**JUDGE CASTILLO:**

Ms. Anderson, it sounds like you're making another recommendation. So, I'd like you to hold that and we're just going to discuss Mr. Walden's. Then, after the comment period, I'm going to go back to you on that.

Jessica Little, you had a hand up?

**MS. LITTLE:**

Yes. And I agree with Kathleen Anderson's comment as well that I do think it's problematic when people don't have access to the decisions.

Aside from a legal standpoint -- so, I'm a SELPA director and I use decisions to also inform practice. And so to look at cases and say what are the lessons learned here for both sides and how can people work together.

So, to have an accessible database to be able to search that and review that with, you know, leaders and how they can conduct business in the schools and sort of informed best practices, it's also really helpful for that.

Then, the only other thing I want to say is somebody had mentioned settlements. And I don't think it's necessarily to have settlements appropriate. I don't feel that that's appropriate because I feel that those are usually based on other decisions and sort of risk management that goes into settling a case rather than an actual decision.

**JUDGE CASTILLO:**

I'll explain for the committee and the public.

There is a provision in the Administrative Procedures Act and also in the regulations that govern our hearings. It's called decision by settlement, in which the parties request that the Office of Administrative Hearings issue a decision based upon the settlement of the parties.

So, this is different than a settlement agreement in which the parties reach at a resolution session or in mediation or outside of mediation.

So, this is governed by the APA, the Administrative Procedures Act, and our regulations and there are -- and then a judge will then issue a decision based upon the settlement of the parties.

So, this is the specific way the parties have to ask for that and then one of our administrative law judges will then issue a decision by settlement.

**MS. LITTLE:**

Thank you for that.

**JUDGE CASTILLO:**

Is there any other comment from the Advisory Committee on the recommendation put forth by Mr. Walden?

For public comment, we have one person wishing to make a public comment.

**MS. SAFFOLD:**

Okay. Anonymous Attendee, you can now unmute yourself and you have three minutes for comment. Please proceed.

**ANONYMOUS ATTENDEE:**

Thank you. Thank you, Judge Castillo, for that explanation, and I appreciate the comments by the SELPA director.

But, once again, at least the SELPAs in my area, are very non-transparent. So, I think it's pretty disingenuous for a SELPA director to say they want OAH to be more transparent. Why they don't start cleaning their house first?

And they have access to all the decisions. Their lawyers give it to them. So, why doesn't Ms. Little push for her own SELPA to put the settlement agreements on their website?

We get them through Public Records Act in our SELPA, but, you know, I think it's a little disingenuous that Ms. Little is asking OAH to be more transparent and put burdens on OAH, which again, I fully support transparency and accountability.

But why don't we start with the SELPA system, which in California, it has become extremely counterproductive to the interest of students with disabilities and they're all in bed with the law firms handing out contracts for millions of dollars. In my area, it's two or three million a year to sue families to deny basic services.

So, it's really disturbing to hear some of these comments when I know how it operates in the trenches. Thank you.

**MS. SAFFOLD:**

Okay. Attendee Janeen Steel, you now can unmute yourself and you have three minutes for public comment. Please process.

**ATTENDEE JANEEN STEEL:**

Yeah, I just want to be extremely clear. I am not recommending OAH put any confidential settlements on their website. I'm asking specifically for decisions by settlement, which have the full force and effect of an actual decision. Those are available, but if you can't find them because they're not published, it's a problem.

But I just wanted to be really clear that those are two different things, and the one I'm asking for is a decision by settlement, which again is a court-ordered decision that actually can -- it actually has the full force and effect of an actual decision had there been a proceeding.

I know they don't happen often, but I do -- I don't think that you'd have to go find someone who's done it before to find an example, you know, or a reference, so.

**JUDGE CASTILLO:**

Thank you.

**MS. SAFFOLD:**

Okay, thank you. Attendee Debra Kim, you now can unmute yourself. You have three minutes for public comment. Please proceed.

**ATTENDEE DEBRA KIM:**

Okay. Thank you for the clarification. You know, again, as a parent, it's very hard to keep up with all this terminology and I also was confused by, you know, the decisions by settlement versus settlement agreements.

You know, we are talking about transparency and unfortunately as to the, you know, regular settlement agreements, Irvine Unified School District will not even provide those, even though those are supposed to be public records.

Though, I think that we, as parents, and anybody who is supporting parents wants transparency on all sides, and so, really the more information, the better. And I think it's really ridiculous, you know, that some of these attorneys are having to do public record requests in order to get information.

You know, this is our tax dollars. OAH is paid for by the public and everything I'm hearing today is really troubling because it sounds like there are more and more barriers being put in front of parents, including this terminology, including a lack of transparency, including the lack of wanting to even put things in accessible terms.

I am just really kind of floored by this whole meeting today, and I am really hoping that we can get to a point where we really are all working for the benefit of these children, who were born with disabilities through no fault of their own. That's what this is supposed to be about.

Thank you.



**JUDGE CASTILLO:**

So, we'll take a vote on the recommendation that OAH publish all its orders on its website. Dr. Hooks?

**DR. HOOKS:**

Yes.

**JUDGE CASTILLO:**

Daniel Shaw?

**ATTORNEY SHAW:**

Yes.

**JUDGE CASTILLO:**

Jessica Little?

**MS. LITTLE:**

Yes.

**JUDGE CASTILLO:**

Kathleen Anderson?

**ATTORNEY ANDERSON:**

Yes.

**JUDGE CASTILLO:**

Mindy Luby?

**MS. LUBY:**

Yes.

**JUDGE CASTILLO:**

Dr. Sandoval?

**DR. SANDOVAL:**

Yes.

**JUDGE CASTILLO:**

James Lister-Looker?

**MR. LISTER-LOOKER:**

Yes.

**JUDGE CASTILLO:**

Joshua Walden?

**ATTORNEY WALDEN:**

Yes.

**JUDGE CASTILLO:**

Julie Lewin?

**ATTORNEY LEWIN:**

Yes.

**JUDGE CASTILLO:**

That recommendation has passed and OAH will issue a response to the recommendation before the agenda items are due next fall.

**JUDGE YAGIZI:**

And just to confirm -- I'm sorry, Judge Castillo, but the wording was that OAH provide direct access to all orders on its website?

**JUDGE CASTILLO:**

Correct.

**JUDGE YAGIZI:**

Okay, thank you.

**JUDGE CASTILLO:**

And, Ms. Anderson, you had a recommend- -- you had a possible other recommendation?

**ATTORNEY ANDERSON:**

I don't know if it's really appropriate to do that now given that we've got this recommendation that's been voted on.

So, maybe I'll pause on mine.

**JUDGE CASTILLO:**

Okay. And, as I indicated that OAH had agreed as part of the committee's recommendations at a prior meeting that our responses to these will be done before the agenda items, so you all will have a chance to review OAH's responses to these recommendations before the agenda items are due for the fall meeting.

With no further agenda items for the committee, this is now time for any public comment. This will be public comment speaking on a topic not otherwise on the agenda. This would be governed also by the three-minute discussion rule.

So, we have two people right now who would like to make a public comment.

**MS. SAFFOLD:**

Okay. Anonymous Attendee, you can now unmute yourself and you'll have three minutes to comment. Please proceed.

**ANONYMOUS ATTENDEE:**

Thank you. I wanted to thank you, Judge Castillo, for your demeanor today and trying to accommodate public comments.

This was not always the case with this committee. Sadly, with Ms. Tully, I was denied the opportunity to make public comments and I had to file a complaint against her with OAH.

I would also encourage the committee to look into the CDE interagency agreement and make sure that it is being followed, which I believe in some cases it is not.

Then, I wanted to express my grave concerns as one of the speakers mentioned with the composition of this committee and especially in Southern California, how it is heavily weighted towards the SELPAs and the school district attorneys.

And actually this particular SELPA is in Northern California, but they all communicate. They have a state SELPA association. They have lobbyists and they're pushing for their own special interests.

This committee needs to be aware that this structure is being looked at. There was a report released by West Ed, which specifically is looking into how SELPAs are non-transparent agencies and the whole due process system is being hijacked by special interest groups like for-profit law firms that want to create a very prescriptive court-like system because that's where they make their money.

So, once again, I am very perturbed about the hijacking of this committee by the law firm of Fagen Friedman and Fulfrost that is notorious in the Special Ed community for using hardball tactics.

I just saw an article in a newspaper in San Diego, in Del Mar, talking about how FFF has filed restraining orders against the parent. I've seen sanctions against parent attorneys, all kinds of weird motions, and anything that FFF can do to manipulate the law in their favor goes against students with disabilities, which is what OAH should be all about, protecting the interest of students with disabilities, not protecting the interests of the districts.

Thank you so much.

**JUDGE CASTILLO:**

Thank you.

**MS. SAFFOLD:**

Okay. Attendee Blanca Vaughn, you can now unmute yourself. You have three minutes for comment. Please proceed.

**ATTENDEE BLANCA VAUGHN:**

Thank you. I first would like to thank the committee. I think they were great topics.

I heard a lot of comments from parents not being very happy about what's going on with OAH or the attorneys requesting changes. I think we should be happy that all these issues came up because they give you a chance to speak up and to know what's going on, so you could go ahead and explain to the other parents, a group of parents, what is going on. I think they gave you a good chance to make your point and to speak up of those issues.

Another thing for OAH, I think for the next meeting, and this is just a suggestion obviously, that it seems like a lot of parents are very confused and don't understand the legalese, especially with the agenda with the topics we discussed in this committee. My suggestion would be that perhaps in the agenda next time, it could be in lay term language or a website the parent can go before the meeting, so they can have an idea as to each of the topics that will be discussed, so they can understand what to expect and, you know, how to learn a little bit more about these topics before they come to the meeting.

But I think that will alleviate the issue of not understanding the legalese or legal terms they're not aware of.

That's my two cents feedback. Thank you.

**JUDGE CASTILLO:**

Thank you.

**MS. SAFFOLD:**

Attendee Debra Kim, you can now unmute yourself. You have three minutes for public comment. Please proceed.

**ATTENDEE DEBRA KIM:**

Hi, yes. I guess, as I said, this meeting as a parent has been kind of confusing because of the terminology and I appreciate the previous speaker.

I'm very frustrated with this whole system. The school districts have attorneys, who they pay millions of dollars to. They seem to want to initiate a prolonged litigation because they're paid for by the hour; and Irvine Unified, they have signed contracts where they will pay almost 1400 dollars per hour to attorneys.

So, of course, they are incentivized to file due process against families with kids with disabilities.

Irvine Unified also does not want to hear from parents. There was just a recent article in the LA Times that highlighted my situation, which is where the Irvine Unified School Board tried to ban me from school board meetings, just talking about discrimination of children with disabilities.

This entire system feels like it is against parents and unfortunately this committee, the way that it's run, the fact that there are not more parents on here, the fact that you're using all these legal terms, feels again like this is just another part of the system that is working against parents.

I'm really troubled by this whole system, like I said, especially looking at the rates of parents who actually prevail in OAH cases, even with attorneys.

And I think that what is lost on a lot of the attorneys is that this is devastating to parents. They are already raising their children with disabilities. They have to take time off of work to go to an OAH hearing or to go through this process. Meanwhile, the other side is getting paid to be there. There is a huge disparity in the two sides.

And when school districts are trying to shut down parents by telling them they can't speak in front of the board, they can't file discrimination complaints. You know, Irvine Unified has four different OCR complaints against them in five years.

There's so much happening at the school district level, and then we get to the OAH level, and it continues and gets worse. We really, really need to

look at this system and we need to make this more representative of parents. Because all I've heard here today is legalese and trying to make it harder for parents to go through an already very difficult process.

Thank you.

**MS. SAFFOLD:**

Your three minutes are up. Thank you.

**JUDGE CASTILLO:**

Okay. Ms. Saffold, do we have any written comments?

**MS. SAFFOLD:**

Yes, we do. The first comment is in relation to Item Number Four, introduction of new members.

"I am the parent of two students with special needs. I do not understand why this committee is so heavily weighted towards attorneys. This seems to be indicative to the bias OAH has against parents in making decisions. Parents only win in a minority of cases, even when they hire an attorney, take time off from work, all while taking care of disabled children.

In the meantime, these private law firms are making millions of dollars, win or lose, when they encourage school districts to initiate or prolong litigation causing severe damage to these children, who already have had a very tough start in life.

Why does this committee not fully represent parents?



If it did, I think that OAH may not be seen as such as a biased entity towards attorneys and against children, who were born with disabilities through no fault of their own."

The next comment is in relation to Item Number 13, responses to October 2021 meeting issues.

"The OAH bias against parents is seen again in the response to the committee recommendation at OAH, verify that cases to ensure that they have been properly authorized by the elected school board officials.

OAH requires proof from adult students that their parents have the approval to represent them. However, law firms do not have to show proof that they have board approval to represent the district and initiate litigation and/or represent the district.

Irvine Unified School District, for example, does not show any board approval or votes to initiation, Special Education cases. This means that the public has no idea that the law firms are filing law suits against students with disabilities and the board members may also not know.

This is a huge violation of the Brown Act, which is in place to ensure that members of the public know where their tax dollars are going.

Irvine Unified is also discriminating against students with more Office of Civil Rights cases in five years and is violating First Amendment rights of parents.

According to the ACLU, in an article just posted in the Los Angeles Times, OAH needs to ensure that every case really has board approval as seen by a vote in the board meeting minutes. Otherwise, districts like Irvine Unified School District, who discriminate against students, may be bringing cases without approval.

The fact that OAH is not verifying board approval plays into the view that OAH is against children with disabilities and they do not care if private attorneys really have authorization or not to bring litigation.

Why does OAH want to keep hurting these children and their families? Thank you."

The next comment is, again, in relation to Item Number Four.

"Good morning, committee members and members of the public. I am a parent of students with disabilities, who has been dealing with the Special Education system for about 20 years.

I have witnessed how the Special Education system has been hijacked by for-profit law firms, such as Fagen Friedman and Fulfrost, who represent school districts and act as barriers for our children to get an appropriate education. I am shocked to find out that FFF has a seat on this committee.

As I doubt that the FFF attorney is volunteering his time to the cause, the composition of the Southern California Committee seems to be unbalanced in favor of

districts, confirming the suspicion in the parent community that OAH favors districts and does not prioritize the due process rights of students, which is what they should be doing.

I want to share my experience with the law firm of Fagen Friedman and Fulfrost. One of their attorneys, Shiva Stein, engages in hardball tactics against families of children with disabilities. The following is a summary of some of the legal actions Ms. Stein has filed against our family.

Filed legal action seeking over 10,000 dollars from our family, prematurely filed a writ of execution, which is a proceeding used by Internal Revenue Service to garnish wages and seize property of people who are delinquent in payment. Our attorney tried to reason with Ms. Stein to withdraw her filings in order to avoid additional proceedings in court and expressed his intent to oppose the actions filed by Ms. Stein.

Please keep in mind, it was Ms. Stein who filed the initial actions. Ms. Stein's response was to threaten our attorney with filing for additional sanctions just because he was doing his job to defend our family by filing an opposition to her motion.

So, in her opinion, she can file all the motions she wants, but if a parent dares to exercise the right to defend ourselves, she will try to intimidate the family's attorney by threatening further litigation.

Filed legal action against our attorney for over 5,000 dollars. Filed legal action for 42,000 dollars for an expert witness that she never used in the case. The court clerk ruled against Ms. Stein, but not before FFF had billed the taxpayer.

The Court told FFF, fees for a witness that did not attend the proceeding, are not taxable pursuant to *L.R. 54-3.6*. Accordingly, no fees including the statutory witness are taxable for Joshua Feder.

The FFF standard contract has a clause which allows them to hire private investigators to conduct surveillance on families of children with disabilities. FFF hired a private investigator to stalk my attorney and private tutor."

And the three minutes are now up.

One moment. Okay. And this is the last written public comment.

"My son district, Philbrick Elementary School District, is more concerns (sic) on what works for that staffs and less important on what the kid needs and wants.

Often complaint is used to tell district what they should be doing and keep doing, then picking and choosing when to apply IEP and accommodations.

Dignity of child is outermost important, but his health, wellbeing, mental health, and academics, as well as sensory diet, are important to a successful school day and year.

Ideal of IEP or 504 is for the child as guidelines to strategies and resources while staffs work on his goals. Reminded district that consistency, transparency, and IEP is team, which involves everyone, which IEP cannot exist without parent. Parent has best insight to what kid needs, services, and resources.

Teacher union needs to be accountable for allowing their guidelines and rules impact learning, which summer school only needs to be five or six weeks and Christmas break three to four weeks to keep learning fresh, less time have to make up or reteaching.

The State is failing our kids now. State has to rebuild, reimprove (sic), fix how and why these teachers are teaching for their students, not for themselves."

Signed Ms. Miller (phonetic).

That is the last of the written public comment we have received for this meeting.

Judge Castillo, you're muted.

**JUDGE CASTILLO:**

Well, it would help to unmute myself. We are -- this will be adjournment of the Advisory Committee. The next meeting will be on Friday, October 21st. Clerk?

**JUDGE YAGIZI:**

Judge Castillo, sorry. Before we end, I was reviewing in the meantime, my notes for completeness. I wanted to know who was the second on the most recent recommendation that OAH provide direct access to all orders on its website. That was Mr. Lister-Looker?

**JUDGE CASTILLO:**

Yes.

**JUDGE YAGIZI:**

Thank you so much.

**JUDGE CASTILLO:**

Okay. If nothing further, we're -- meeting adjourned. We will come back on Friday, October 21st. For people interested in applying for the two vacant positions, there will be a List Serve announcement and then there will be something on our web.

Thank you very much for your time. I'd like to thank all the committee members. I'd really like to thank all the OAH staff. I'd like to thank all the public attendees.

Thank you. Stop the recording.

**(Recording Ends)**

**- MEETING CONCLUDED -**

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**CERTIFICATE OF TRANSCRIPT**

I, Michelle Jones, hereby certify that this transcript is a true, complete, and accurate transcription of the recording of the Advisory Committee meeting that took place on June 17, 2022, Office of Administrative Hearings, via videoconference. This is the original transcript and the statements that appear in this transcript were transcribed by me to the best of my ability. Executed under penalty of perjury in Cullman, Alabama on the 20th day of June, 2022.

A handwritten signature in black ink that reads "Michelle Jones". The signature is written in a cursive, flowing style.

Michelle Jones  
Transcriber  
Northern California Court Reporters