

**TRANSCRIPTION OF RECORDED MEETING
OF
SPECIAL EDUCATION DIVISION
ADVISORY COMMITTEE MEETING
OCTOBER 21, 2022**

Board Members Present:

Rochelle Hooks

Daniel Shaw

Jessica Little

Kathleen Anderson

Mindy Luby

Marianne Grosner

James Lister-Looker

Joshua Walden

Julie Lewin

Sue Singh

OAH Staff Present:

Peter Paul Castillo

Brittany Bell

Spanish Interpreter: Dareiela Audry

Transcribed by: Michell 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.

OCTOBER 21, 2022

JUDGE CASTILLO:

Welcome to the Advisory Committee. And, Ms. Audry, if you can just translate this.

If we have members of the public that would like to listen to the proceedings interpreted in Spanish, could you please raise your hand on the Zoom feature? On the bottom of your Zoom screen, you'll see a button called "raise hand", if you just press that.

Seeing none, we will proceed with this Advisory Committee. Our interpreter, Ms. Audry, will be present. She will not be translating. However, if anyone later wants or joins and requests Spanish interpretation, we will have her available.

Okay. Thank you, Ms. Audry, you can turn off your camera now.

Welcome to the October 22nd Advisory Committee meeting of the Office of Administrative Hearings. We will go over the mission statement of the Advisory Committee.

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 website, forms, documents, procedures, and policies as provided within the regulatory mandate establishing the Advisory Committee.

I would like to thank those in attendance as to our members of the Advisory Committee and also to the public, who is attending, and it looks like we have a very good attendance.

I would like to indicate that we do have a quorum of Advisory Committee members from Northern California and Southern California. I'll be going over the role in a moment.

I'd like to introduce myself. I am Division Chief Peter Paul Castillo with the Office of Administrative Hearings. At this time, I'd like to introduce our Deputy Director Bob Varma.

DEPUTY DIRECTOR VARMA:

Good morning, everybody. Welcome to the Advisory Committee and welcome to the committee members and to the public. Hopefully we will get some very valuable input from everyone. Thank you.

JUDGE CASTILLO:

At this time, I'd like to introduce presiding judge Joy Redmon.

JUDGE REDMON:

Good morning. Welcome, everybody.

JUDGE CASTILLO:

Okay. And administrative Claire Yazigi will be keeping the record of today and assisting me in the role and making sure that when we have votes, keeping track of the votes, keeping track of the recommendations.

So, when we get to the recommendations, if people will complete and (inaudible) so she can write down the recommendation so we can have those accurately transcribed.

JUDGE YAZIGI:

Good morning.

JUDGE CASTILLO:

For the Advisory Committee, each member will have the opportunity to speak on every issue. If a recommendation is made, each committee member will vote whether or not 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.

Concerning the Zoom webinar for the Advisory Committee members. I will introduce you in a moment and we'll be taking role. When you speak please turn on your cameras so we can see you when you are speaking.

If you'd like to be recognized, please raise your hand. It is the bottom center button hopefully on your screen. If you press that, your hand will pop up and you will be called to speak. If for some reason, the button is not working, just raise your hand and I will call on you. Please keep yourself on mute unless you are talking.

If a recommendation is made to OAH to consider, I will ask for a second. I will ask the person making the second to please raise their hand. I will then ask them to say on the record that they are seconding the recommendation.

If there is a recommendation that is seconded, I will ask for discussion from the committee members and then also from the public. And also on all agenda items, after the committee members discuss it, public comment will be taken.

For public comment, which is after the committee members speak as to an agenda item or recommendation can be made by raising your hand and then the host of the meeting will unmute you and then you'll have an opportunity to talk. Public comments are limited to three minutes.

Additionally, you have the opportunity if you do not want to speak, but you still want your comment to be heard to email. The address is in the agenda. Email the Advisory Committee email and then the moderator will read your comment into the record.

As I indicated this meeting is being recorded. At the end of the meeting, we will be preparing a transcript of the Advisory Committee meeting and that will be posted on our website.

In response to prior comments, we are in the process -- agenda item recommendations from last meeting or before, we are in the process of creating historical records so people can look at comments, recommendations, agenda items, et cetera as a historical record.

Members of the Advisory Committee submitted proposed agenda items for this meeting. OAH reviews the proposed agenda items, includes proposed agenda items that are within the Advisory Committee's authority, and have not been previously on the agenda in the past two years.

We will start with the agenda items submitted. The person who proposed the agenda item will have time to talk. I may also provide some discussion from OAH. And then the other committee members will have an opportunity to discuss the agenda item and then when they are completed the public will have their time to discuss the agenda item.

As indicated, I will then at the end of public comments, ask if the committee would like to make a recommendation as to the agenda item and if a recommendation is made, then to see if it is seconded and then get committee members discussions as to the proposed recommendation, then comments from the public, and then a voice vote on that. And the vote will be through a role call; not by raising your hand, but an actual audible role call and we'll go through that, your name, say yes or no. We'll take that at the end of the role call, Judge Yazigi will report if the recommendation has passed or not.

If it has passed, OAH will respond to the recommendation before the time for the committee member that proposed agenda items for the June 2023 meeting.

As Deputy Director Varma has indicated, I'd like to thank again, on behalf of OAH, for all the committee members who have taken the time to

be in attendance today. Your work is very valuable for OAH, as we try to improve our service to the community at large.

When I introduce you, if you can just state your name and anything that you feel comfortable about disclosing with yourself. I will start with Northern California. Dr. Hooks?

DR. HOOKS:

Hi. My name is Rochelle Hooks representing schools and I'm from Northern California. Thank you.

JUDGE CASTILLO:

Daniel Shaw?

ATTORNEY SHAW:

Hi. My name is Daniel Shaw, Northern California. I represent parents.

JUDGE CASTILLO:

Jessica Little?

ADMINISTRATOR LITTLE:

Hi, I'm Jessica Little from Northern California. I'm a SELPA director and representing the school district.

JUDGE CASTILLO:

Kathleen Anderson?

ATTORNEY ANDERSON:

Good morning, Kathleen Anderson, attorney with Fagen Friedman and Fulfrost. I also raised a special needs child, whose now an adult, that gave me quite an interesting childhood to talk about, and I also taught Special Education for a few years. I had a severely disabled class at a high school in Central Valley here. Good morning.

JUDGE CASTILLO:

Mindy Luby?

MS. LUBY:

Good morning, Mindy Luby. I am representing parents.

JUDGE CASTILLO:

And let's see is Nicholas Lutton here? Nicholas Lutton is not present at today's meeting.

For Southern California, Marianne Grosner?

MS. GROSNER:

Hi, good morning. My name is Marianne. I'm a parent of two children with disabilities. They're both on IEPs and I just want to say that I'm honored to be able to return to this community for a second term and I look forward to input from a parent's perspective in a continued effort to shape policy. Thank you.

JUDGE CASTILLO:

James Lister-Looker?

MR. LISTER-LOOKER:

Good morning, Jim Lister-Looker. I'm here representing parents, site administrators, and Special Education teachers. Thank you.

JUDGE CASTILLO:

Joshua Walden?

ATTORNEY WALDEN:

Good morning, everyone, Josh Walden. I'm an attorney that represents school districts.

JUDGE CASTILLO:

Julie Lewin?

ATTORNEY LEWIN:

Good morning. I am a parent of a child with disabilities. I also represent parents. Thank you.

JUDGE CASTILLO:

Sue Singh?

DR. SINGH:

Good morning, everyone. Sue Singh representing school districts from Southern California. I serve as a SELPA in Orange Unified SELPA.

JUDGE CASTILLO:

And see if Aileen Herlinda Sandoval is here? She is not present.

And then more housekeeping. For each committee what we need for today's meeting and also in preparation for the June 2023 meeting is a committee chair for Northern California and then for Southern California, the job of the committee chair will be for the June meeting, to collect the agenda items that will be submitted by the members by May 31st and then to submit those agenda items to OAH. OAH will then review them and then prepare the agenda.

So, would anybody in Northern California volunteer to be today's North Cal committee chair knowing that the obligation would be then for collecting agenda items for the June 2023 meeting? If you are, would you raise your hand? Ms. Anderson? Is there anyone else? Nope. And just for Northern California, we will take a vote and I will do role call. If you agree for Ms. Anderson to be the chair for North Cal for today's meeting and then to collect the agenda items for the June 2023 meeting.

Ms. Hooks?

MS. HOOKS:

This is my last.

JUDGE CASTILLO:

Oh, that's right. So, you're not going to be there, yeah.

MS. HOOKS:

Right.

JUDGE CASTILLO:

So, I'll talk about that in a second. Well, actually you can vote for it because you are still on the committee right now.

MS. 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:

Okay. So, that vote is 5-0. Ms. Anderson is the North Cal chair today and also the collector of the agenda items for the June 16th, 2023 meeting and we'll ask for those items to be submitted from the Northern California members through Ms. Anderson by May 31st so we can meet our 10-day requirement to get the agenda items out.

And for the same process for Southern California. Ms. Bell, do you have a question?

MS. BELL:

Judge Castillo, we do have an attendee with their hand raised. I would like to just unmute them briefly just to ensure if they would like to request an interpreter that we are addressing that.

JUDGE CASTILLO:

Okay.

MS. BELL:

Thank you. Attendee Allison Hertog, I'm going to go ahead and unmute you. Please let us know if you need interpretation.

ATTENDEE HERTOOG:

Yes, Your Honor, I don't need interpretation. I'm having difficulty. I'm an attorney. I represent parents in the Southern California area and around the state. I'm a former Special Education attorney. And, for some reason, my video, I don't think is showing and so I've been trying to -- I've been raising my hand trying to indicate that I'm here for the role call, but for some reason, I don't think you're hearing me or seeing me.

JUDGE CASTILLO:

Ms. Hertog, you are an attendee and not one of the committee members, so.

ATTENDEE HERTOOG:

I understand.

JUDGE CASTILLO:

So, yes.

ATTENDEE HERTOOG:

I understand. I apologize.

JUDGE CASTILLO:

Yeah, if you -- if you have technical questions -- if you have any technical questions, we can -- if you'd email the Advisory Committee email address or S-C OPS at DGS dot C-A dot gov, and they can provide -- one of our analysts can provide technical assistance to you. But right now this discussion is involving the members of the committee and then when we get to the agenda items, then we'll be asking for public comment.

ATTENDEE HERTOOG:

Thank you, Your Honor. I'm sorry for any misunderstanding.

JUDGE CASTILLO:

That's understood.

MS. BELL:

I'll go ahead and mute now. Thank you.

JUDGE CASTILLO:

And the same process for Southern California. Is any committee member in Southern California wanting to be today's committee chair and then also be the collector of the agenda items? Ms. Grosner? Is there anyone else in Southern California? No.

With that, I will take a vote for Ms. Grosner to be today's Southern California chair and the collector of the agenda items for the June 2023 meeting. Marianne Grosner, your vote?

MS. GROSNER:

Yes.

JUDGE CASTILLO:

Jim Lister-Looker, your vote?

MR. LISTER-LOOKER:

Yes.

JUDGE CASTILLO:

Joshua Walden, your vote?

ATTORNEY WALDEN:

Yes.

JUDGE CASTILLO:

Julie Lewin?

ATTORNEY LEWIN:

Yes.

JUDGE CASTILLO:

Sue Singh, your vote?

DR. SINGH:

Yes.

JUDGE CASTILLO:

Okay. That is 5-0. Ms. Grosner will be the Southern California chair for today and the collector of agenda items for the June 2023 meeting.

And we would like to introduce our new staff. As you've already seen, Brittany Bell. Brittany Bell is the new staff manager, Office of Administrative Hearings Special Education Division. She replaces Jen Saffold, who has left OAH after the last meeting.

Ms. Bell, if you could just introduce yourself and say a little bit about yourself.

MS. BELL:

Hello. My name is Brittany Bell. It's nice to see everyone here attending. I previously worked for OAH several years ago, so I'm happy to be returning as a staff services manager, and I look forward to the years to come as we work together.

JUDGE CASTILLO:

Okay. And also, since the last meeting, our new staff service analyst, Matthew Blair (phonetic), who is based in our San Diego office. Are you here today, Mr. Blair? It doesn't appear that he is here, but he's our new staff analyst in San Diego.

MS. BELL:

Judge Castillo, I see him. I will go ahead and unmute him.

JUDGE CASTILLO:

Okay.

MS. BELL:

Matt, can you raise your hand again for me so I can find -- oh, I see you.

MR. BLAIR:

All right. You can hear me now?

JUDGE CASTILLO:

Yes, we can.

MR. BLAIR:

All right, yeah, I'm Matthew Blair. I joined up with OAH in about mid-August and going through my training, as I say, here down in San Diego.

JUDGE CASTILLO:

Thank you very much. Okay. Let's go quickly over the expectations of the members. Members are expected to attend each Advisory Committee meeting, which is on the third Friday of June and October. The next meeting will be June 16th, 2023. If a member is not able to attend, they should notify OAH that they are not able to attend.

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

During today's meeting, I encourage all Advisory Committee members to participate fully. Your opinions, recommendations, everything is very important for OAH as we really value your participation in the Advisory Committee.

These Advisory Committee meetings follow the Open Meeting Act. Each committee member has been sent a copy of the act and is expected to follow the requirements of the act at all times. A copy of the Open Meetings Act can also be found on the Advisory Committee section of the OAH website.

As part of that, I'll make sure I can get comments, recommendations, et cetera from each committee member and also to get public comments when it is time for public comments and to make sure that all votes are voice votes and that we take role and then we confirm the vote if an agenda item passes or not. Are there any questions from the committee members about how today's meeting will proceed?

With that, we'll go into the agenda items. OAH has submitted two agenda items. One is regarding the impact of late cancellations of mediations.

Mediations canceling late in the day the day before the mediation is scheduled, overnight, and during the day of the mediation impacts OAH's

ability to keep the same Prehearing Conference administrative law judge assigned to the hearing, as OAH has to cover all these mediations and may not be able to assign the same administrative law judge who did the Prehearing Conference to the hearing because we have to cover the mediations.

And this is for some statistics that we had done last year. There was approximately 4,500 mediation requests during the fiscal year, and of that, we held 1,600 mediations; meaning 3,000 mediations were canceled. I'm not saying all those were late, but that's just to give you an idea of how many mediations are requested and then the number of cancellations and the number of mediations held and our scheduling process is usually two to three days before an event mediation is to be held that OAH schedules an administrative law judge or a pro tem to cover the mediation. So, usually we're scheduling two to three days out before the event an administrative law judge or a pro tem if we do not have an administrative law judge available to cover the event.

Is there any committee comment regarding this? Seeing none, is there any public comment regarding this? Oh, go back. Was there somebody that raised their hand in the panelists? Mr. Shaw?

ATTORNEY SHAW:

Yeah, I apologize. I wasn't very quick there. I guess my question is of the 4,500 mediations requested understanding that only 1,600 were held, do you know with respect to how many were canceled versus rescheduled?

JUDGE CASTILLO:

We would have to run numbers on that.

ATTORNEY SHAW:

Okay.

JUDGE CASTILLO:

Any other comments from the committee members? Okay. And from the attendees, Ms. Whiteleather?

MS. BELL:

Attendee Tonya Whiteleather, I have given you the ability to unmute yourself. You have three minutes. Please proceed.

ATTENDEE WHITELEATHER:

Just know that our mediations are required to be offered, made available, but not mandatory. So, it's different from a federal court. I'd love to see the stats because many times things get settled. It's not necessarily last minute that they canceled. It's an unwieldy system, we know, but it's a little bit different from the federal court or other situations where you must go, you must attend, but I would love to see the statistics about how many are withdrawn because they're settled ahead of time. How many are withdrawn a week before? How many? Because these are not all last minutes, right? So, that's my comment.

JUDGE CASTILLO:

Thank you. Ms. Mary Kellogg?

MS. BELL:

Attendee Mary Kellogg, I've given you the ability to unmute. You have three minutes. Please proceed.

ATTENDEE KELLOGG:

Thank you. I think we need more statistics, not on what mediations OAH is required to staff, but how often they are reassigning ALJs post a Prehearing Conference.

We asked you to address one concern and you addressed it by giving a completely different statistic. What is maybe unpredictable might be whether a mediation goes forward or not. What is not as unpredictable is the fact that you have a Prehearing Conference that a judge has spent time with the parties going over motion or issue or other hearing issue, and then being reassigned prior to that. That's the statistic we need.

How often are you reassigning judges? How often are you not preparing for that continuity? And why does your competing obligations justify or excuse the reassignment of a judge that's already committed significant time and expertise to the parties' issue.

I think the prejudice to the parties of reassigning the ALJ requires more consideration than simple convenience, and statistics about mediations does not address the issue of this specific problem.

Thank you.

JUDGE CASTILLO:

Any other public comment on this agenda item?

MS. BELL:

There are no written public comments.

JUDGE CASTILLO:

With that, would any of the committee members like to make a recommendation regarding this agenda item? If so, please raise your hand. Seeing none, we'll move to the next agenda item.

Calls to case managers for ruling on continuances. OAH attempts to rule on continuance requests within two business days of receipt of joint continuance requests or after a response is filed or due and not filed for continuance, filed by just one party. Calls to OAH by parties within this two-day window prevent case managers from doing other tasks, such as opening cases or serving orders for which the parties are awaiting orders.

Is there any committee comment regarding this agenda item?
Ms. Anderson?

ATTORNEY ANDERSON:

Thank you. This will come up in a little bit when we discuss one of my proposed agenda items, but I think the problem here and the reason that OAH is receiving so many phone calls is because motions are not

being ruled on in a timely manner. And, as we'll discuss later, untimely rulings cause huge problems for both parties in preparing for a hearing or not having to prepare for a hearing.

And so that, I'm sure, is reflective in the number of phone calls that OAH is receiving.

JUDGE CASTILLO:

All right. And this agenda item is only dealing with calls regarding continuances within the two-day period. On the joint request form, it indicates that OAH will attempt to rule on continuance requests within two business days of receipt. So, this agenda item is just addressing that and not the other issue that you have discussed.

Any other comments from the committee? Seeing none, any comments from the public?

MS. BELL:

It looks like we have one --

JUDGE CASTILLO:

Two.

MS. BELL:

Oh, Attendee Valerie Vanaman, I'll go ahead and unmute you. You will have the ability to speak and you have three minutes to proceed. And you'll just want to unmute yourself. There you go.

ATTENDEE VANAMAN:

Thank you. This is Valerie Vanaman from Southern California. I'm curious in response to this why or is there available information as to whether there is a staff shortage in the Division of Special Education at the Office of Administrative Hearings that is precluding it from always meeting the timelines and, therefore, requiring calls.

JUDGE CASTILLO:

Thank you. Mary Kellogg?

MS. BELL:

Attendee Mary Kellogg, you now have the ability to unmute. You have three minutes. Please proceed.

ATTENDEE KELLOGG:

With all due respect, Judge Castillo, I think all of these issues, the issue that Ms. Anderson raised, the issue that's being raised here, and the issue that was raised with regard to hearing officer assignment all comes down to whether or not there is proper staffing to address these issues that are being made; and so perhaps that needs to be explored. Thank you.

JUDGE CASTILLO:

Thank you. Any other public comment from people attending? Any emails received on this topic?

MS. BELL:

No written comments at this time.

JUDGE CASTILLO:

Would any of the committee members like to make a recommendation regarding this agenda item? Seeing none, I'll move to the agenda items submitted by the committee and just like to note that OAH did complete its responses to the agenda items from the June 22nd meeting and those are posted on the website.

So, we'll be going from the agenda as to the items. First agenda item is that OAH put together a panel of pro se parents who solicit input to improve the due process system for unrepresented parties.

Would the Southern California committee member who submitted this like to discuss this, Ms. Grosner?

MS. GROSNER:

Hi, thank you, Your Honor. So, there are a lot of families that have gone through the experience of representing themselves and they've found a lot of obstacles. And it seems it would be beneficial to OAH to have an open panel discussion with these self-represented parents to get more specific feedback.

And if I could just cite one example of how it would be beneficial to OAH. Oftentimes, there is a parental misunderstanding of the process that leads to greater time and effort for the ALJ.

JUDGE CASTILLO:

Anything further? I'm taking notes, so don't -- I am paying attention, but I'm also taking notes.

MS. GROSNER:

Thank you.

JUDGE CASTILLO:

For all the members, I am looking and I'm taking notes of this. I know we have notes, for me as division chief, there are just things that I need to keep notes about. So, you may continue on, Ms. Grosner.

MS. GROSNER:

Okay. Well, I just wanted to share how I think it would benefit OAH and, of course, it would benefit the parents because it is quite an uphill battle and it's very daunting to try to be a pro se parent.

So, those are my comments. Thank you so much for the opportunity.

JUDGE CASTILLO:

Okay. Would any of the other committee members like to address this agenda item? Kathleen Anderson?

ATTORNEY ANDERSON:

Hi, thank you. I think one of my questions is how would that committee or sub-committee be different than what we're doing now with this committee.

And my second thought is harkening back to the apparent problem with staffing and not getting things done, rulings in a timely manner, and other things that might come up during this meeting today. I just get concerned about spreading OAH too thin and asking OAH to do yet another task when some of the other tasks that I feel are more significant are still not being done.

Thank you.

JUDGE CASTILLO:

Would you like to respond to that, Ms. Grosner?

MS. GROSNER:

Sure, thank you, Member Anderson. So, it would be (inaudible) it would just be probably a one-time panel discussion just to bring on some previous parents aboard to get some feedback and maybe take away from that something that they could or could not apply. But we don't have that really opportunity to have pro se parents here right now, unless we maybe extended an invitation to say, hey, all you, pro se parents, come join us, but we don't really have the feedback here, so.

And I don't know what your second question was; if you want to repeat it.

ATTORNEY ANDERSON:

It really wasn't a question. It was more of an observation on, you know, the resources of OAH. But your suggesting a one-time meeting with OAH as opposed to something like what we're doing now, which is regular meetings, ad infinitum. You're talking about one meeting?

MS. GROSNER:

Yes, that's correct. Thank you for your observations, too.

JUDGE CASTILLO:

Mindy Luby?

MS. LUBY:

Yeah, Ms. Grosner, I really appreciate the thought of that as a parent. You know, I am a Special Education advocate. I navigate this system; however, there's a great divide between the attorney understanding and talk and the legal side of it and what parents just know and naturally understand.

And so, I think it's probably a really important issue that we should address. My question immediately was like what do you envision that this might look like? Because I am hearing clearly, right, everybody's spread thin; it's not OAH, right? Everybody in the world at this point is spread super thin. And so it seems like that would be a great way to address it, but I would kind of want to make it more of a long term vision, right? So,

maybe it could be a couple of times a year. Maybe it could be an ongoing training where it's not just the one time and if somebody misses it, oh, no, and they have to go find the link and all of those things.

So, I wonder if we could maybe talk about what it could look like if it was a twice a year. It doesn't take a lot of bandwidth from OAH, but somebody who can just provide the information and sort of bridge that divide, right, between what lawyers know and what parents and advocates don't know, so.

JUDGE CASTILLO:

Anything further you wanted to add, Ms. Grosner?

MS. GROSNER:

Thank you. Actually, I really like Mindy's comments and I think that's something that, you know, as a committee that we should take a look into.

JUDGE CASTILLO:

Any other comments or questions from committee members? From the attendees, we have anonymous. Anonymous?

MS. BELL:

I've given you the ability to unmute. You have three minutes. Please proceed, Attendee Anonymous.

ATTENDEE ANONYMOUS:

Thank you so much. I'm a parent and I've done hearings pro se and I really thank Ms. Grosner for bringing this issue forward. Not surprisingly, we're getting pushback from Ms. Anderson, who represents Fagen Friedman and Fulfrost, I believe, one of the most litigious law firms against students with disabilities. It is really disingenuous for District attorneys to misrepresent that they care about the Special Education community of parents when they do nothing except get in the way of getting services for children.

So, I think Ms. Grosner's idea should be supported. I, as a parent, wholeheartedly support it because the system is stacked against the parents.

And, no offense, Judge Castillo, but OAH has a very bad reputation amongst parents; whether it's because the other side has millions of dollars to spend on attorneys and our side is out-spent every single time because parents do not have legal resources and full-on law firms to litigate these matters.

But the bottom line is that in the parent community, where I come from, OAH is perceived as being very biased; friendly to Districts and anti-parent. So, the formation of a committee to at least listen to parents without the interference of the powerful attorneys that have lobbyists at every level and have the ear of the districts and give their side of the

story in closed session to school boards, if they go to the school board. Because most of the times, they're cutting deals underground. I think this would go a long way.

So, I wholeheartedly support the concept of creating a parent advisory committee just to start a dialog with OAH. Thank you.

JUDGE CASTILLO:

Thank you. Lisa Walker (phonetic)?

MS. BELL:

Judge Castillo, if you don't mind, I did notice Attendee IEP had their hand raised beforehand?

JUDGE CASTILLO:

Okay.

MS. BELL:

Attendee IEP, I'm allowing you the ability to unmute. You have three minutes; please proceed.

ATTENDEE IEP:

Good morning, everyone. Thank you for the opportunity to provide my comment. I also support Ms. Grosner. I am a parent, too, of Special Education children in the Southern California area.

I, too, have been forced to enter litigation. And the reason I say forced is because simply by asking an individual evaluation, like an IEE, will trigger my district to send parents to due process, just to deny them that simple assessment.

Unfortunately, I had the misfortune to deal with F and F and F multiple times for all my children; just to deny them an IEP or services. And I've been forced during the closure, during COVID, March and April of 2020, while everything was closed, I was taken to due process by my district and they had (inaudible) not to provide education to my children and, yet, I had nowhere to go because even the law firms were closed. I was bound at home, crying and suffering.

It was an emotional distress because you don't know what to do at that point, and I would've loved to have a support group, a support community, advisory, something that would tell me these are your options. This is what you can do.

So, I strongly support this idea because I was forced to enter litigation blindfolded in March of 2020, right in the starting of the pandemic and it is terrible. It's terrifying. My kids were terrified at home, not being able to attend school; yet, we were taken to due process and it's terrible. It's a terrible experience I do not wish to anyone to enter into these waters.

But, I strongly ask you to do these for the children. Consider this option for the children because, in reality, that's what education is. The opportunity for all our children to get educated equally; not just Special Education, but all children are entitled to equal education, free and appropriate education.

Once again, I thank you for the opportunity and allowing me to provide my comment. Thank you very much. Have a good day.

JUDGE CASTILLO:

Thank you. It looks like next is Joe Spector.

MS. BELL:

Attendee Joe Spector, you can now unmute. You have three minutes. Please proceed.

ATTENDEE SPECTOR:

Okay. My name is Joe Spector. I'm a psychologist/attorney. I've represented both school districts and parents. Something that I've seen over the years is a very adversarial process and I agree.

I look to some of my colleagues who have practiced family law and have seen they're doing more collaborative law or using special masters to make decisions rather than opposing sides.

I have no idea if that model can ever apply to this situation, but at least it gives people in those areas of law a chance to communicate more

and sometimes save the relationship; and the relationship is something I do worry about between parents and school districts because the legal process can undermine that.

I'm not offering a recommendation, but rather an observation. Anything we can do as a group to make it less adversarial, I think would benefit all sides of the situation. That's all.

JUDGE CASTILLO:

Thank you. Next is Danielle.

MS. BELL:

Attendee Danielle, you can unmute, you have three minutes. Thank you.

ATTENDEE DANIELLE:

Hi, my name is Danielle (Inaudible) and I also support Marianne Grosner's comments. I've gone up against OAH as well. It's very adversarial. I've gone through the California Department of Education and submitted complaints. I've also had information given to me by teachers in opposition of what's going on in the school districts regarding Special Education and how, in my particular district, in Del Mar, they're changing unethically diagnoses categories for children that will affect these children for the rest of their life. Not only that, it will affect their trajectory and access to General Education.

So, there is definitely a lot going on in our districts and reaching throughout California, I've connected to so many special needs parents that have echoed this over and over of how things are unfair and uneven. You have parents fighting districts that have unlimited dollars to be able to sue parents. They obtain the money from the general fund, which in my particular district right now, has 18 million dollars. How does a parent go up against a district that has 18 million dollars to sue them?

I actually had to raise my concerns in levels to the media. It's been written here locally and you'll probably get more information nationally, on a national level, as to all the atrocities that are occurring to these children.

We need to partner up. We need to sound the alarm on all these issues. And right now, unfortunately, and with all due respect to all the attorneys on here and judges as well, only the attorneys are benefiting.

You have attorneys that are delaying the process of resolution. They get paid by the hour. It's not in the benefit of parents or children, and we're not doing the right thing. And I'm very, very concerned. And I'm asking for additional protection for these children. I'm asking for what Marianne Grosner is asking for, but I'm even taking it a step further and saying that we need to fix this broken system collectively.

And I believe that the people on here want to, hopefully, come to a happy medium on this and I hope that we do the right thing for children. Thank you.

JUDGE CASTILLO:

Attendee Parent?

MS. BELL:

Attendee Parent, you may now proceed. You have three minutes.

ATTENDEE PARENT:

Thank you. I am a parent of a student with special needs in Northern California. I, myself, have been fortunate that I haven't gone through the things that other parents or other individuals have expressed.

However, I have seen how not only the parents, but the students -- at the end of the day, we're all here for the students so they are the ones that are suffering.

So, just again, I'm in support of Ms. Grosner's comments. Thank you.

JUDGE CASTILLO:

Thank you. Lisa Walker (phonetic)?

ATTENDEE WALKER:

Hi. Thanks for the opportunity. I support Ms. Grosner because this education system is uneven. It's one-sided. And, please, when we have this communication on the floor, let's think about put ourself in parents' situation.

I would like to suggest everyone that if you have a child exiting high school, does not know alphabet, does not know numbers, what would you do as a parent? This is a huge problem and, so, I know when I say it's one-sided, Parent, we have limited resources.

As a parent, we have to know a lot of stuff as to judges and lawyers. That's all they know and that's what they study. But we, as the parents, we have to learn everything. So, it's a very hard situation that we're dealing with.

So, please, everyone, I challenge you to think about being in parents' situation. When you have a child who is nonverbal, not know alphabet, numbers, colors, how do we ask these children to be exited and be supported in a community and how to -- how do you deal with this situation?

Myself, forcefully, transitioned my daughter to a county program, totally segregated in a four-by-four wall that my child was in the segregated education system. We need equitable education system; not because, oh, your child is severe that we just write you off and you need to be in a four-by-four wall and be with the special needs children and not get integrated into the Gen Ed class.

So, please, I challenge you -- I challenge you guys to think about being in parents' shoes. So, thank you, Ms. Grosner for thinking about parents. Thank you.

JUDGE CASTILLO:

Chuck Cohen (phonetic)?

MS. BELL:

Attendee Chuck Cohen, you have the ability to unmute. You have three minutes. Please proceed.

ATTENDEE COHEN:

Sorry, that was accidental. I have no comment.

JUDGE CASTILLO:

Okay, thank you. I see no other attendees of the webinar. Have we received any email comments?

MS. BELL:

We have one written comment. I will go ahead and read it now. It says, "My name is Rachel Tolapie (phonetic) from Southern California and I am a parent of two special needs students with IEPs. The school administrators and their attorneys have had control of the system for too long.

I ask the committee please support the recommendation of having a panel of parents for input to help improve the due process system and allow our families to be heard and given a chance to represent our families and loved ones."

And that's the end of the comment.

JUDGE CASTILLO:

Thank you. From the panel, the committee members, would anyone like to make a recommendation on Ms. Grosner's topic? And that includes you, Ms. Grosner, if you'd like to make a recommendation for OAH to consider.

MS. GROSNER:

Your Honor, I would like to make a recommendation, but hearing all these parents talk about equity. A lot of them aren't (inaudible) self-represented. My agenda was specific to self-represented parents because I'm trying to figure out a way to propose something -- and I don't want to duplicate because we're here right now to kind of speak for the parents, but it sounds like there's a lot of parents that want to be able to engage and I've heard the word "collaborate" and I've seen, you know, they want to be less adversarial and they want to be equitable. And they feel it's one-sided.

So, it feels like we need to have more parent voices, but I don't know. I would love to get some feedback from the committee on this. Do we go with just focusing on the self-represented parents to have sort of an open panel discussion or do we want to broaden it a little bit more to include perhaps parents that have gone through this just to get their feedback and ways to improve the process.

JUDGE CASTILLO:

Mr. Shaw?

ATTORNEY SHAW:

Sure. After listening to Ms. Grosner, Ms. Luby, and Ms. Anderson, as well as some of the community members, my suggestion would be to bring back something that used to happen with OAH, where I believe once or twice a year a group of administrative law judges from Northern or Southern California put together a presentation on the OAH Special Education due process, on how it works, and it was open to anyone from the community to attend and discussion could take place.

Perhaps that is not duplicative of the panel process that we're sitting through -- or the advisory process that we're sitting through right now and would create that forum that I'm hearing people, it sounds like, are interested in that kind of interaction.

JUDGE CASTILLO:

Ms. Luby?

MS. LUBY:

Thank you. Yeah, I was kind of trying to figure out maybe I don't know if there's additional input, but I think Mr. Shaw, what you just said was probably the answer; at least in the short term, right? Because when we heard from -- when we heard from attendees not on the committee, I heard support, advisory, partnership, input, right? There was all of these things and they're not all actually able to be done necessarily in the same forum.

And so, I think maybe as a short term, hearing what you said, Mr. Shaw, really makes a lot of sense, I think. I don't know how else to propose anything outside of knowing, you know, what would the parameters be and how logistically would we be able to do support families.

I do feel like there is definitely -- OAH, obviously, right, they're there to serve the students that they work with. You are the legal system, right? And so, it is heavy on work with legal counsel.

And so, yeah, I feel like there definitely needs to be a balance where parents can become part of this conversation -- part of its education. I don't know that I would call support necessary appropriate in this context.

I do feel like though I want to acknowledge what OAH does in providing this committee. This is partnership, right? This is the opportunity. And so I don't want to let that fall off the table. I want to make sure we're acknowledging that OAH is providing something in this committee.

So, I don't know. I guess I'm just looking for more information on ways in which this could be possible, right, that would be reasonable for OAH to be able to have the bandwidth to do. Thanks.

JUDGE CASTILLO:

Ms. Little?

ADMINISTRATOR LITTLE:

This is similar to what was just said, but I know there's a self help section on the website and so I'm just wondering, because I'm hearing a lot of, you know, how to address the imbalance.

And so I'm just wondering the item says solicit input to improve the due process system, but maybe soliciting input as to what the needs are and, you know, some sort of like semiannual training or technical assistance, like (inaudible) almost for parents, prior to going through the process to help them, you know, navigate, answer questions, that sort of stuff possibly.

JUDGE CASTILLO:

Thank you. Ms. Anderson?

ATTORNEY ANDERSON:

Yes. I think I was a little confused with the agenda item the way it was written as well because it sounded almost like an advisory function, which I really do feel is what we're doing here and this Advisory Committee does represent parents as well as other entities.

With that said, what I heard Ms. Grosner initially propose is what I heard Mr. Shaw encapsulate; more of a how to do the process and to be able to ask questions about how the process works and more than what is on the self help website, which could be -- you know we can read it, but there's nothing like being able to ask questions in real time.

So, I would not be amenable to another Advisory Committee, but I think it would be appropriate to have what I heard Ms. Grosner and Mr. Shaw describe, which is some kind of meetings once or twice a year, whatever, where judges explain the process and then can take questions in real time from parents.

JUDGE CASTILLO:

Okay. Would any of the committee members like to make a recommendation regarding this agenda item? Ms. Grosner?

MS. GROSNER:

Hi, thank you, Your Honor. I do want a recommendation. In listening to all of the committee members feedback, it feels like we're -- I think going along with what Mr. Shaw was saying, we probably need to just kind of -- we need to stick to the original recommendation or are we kind of swiping that? Are we actually -- does that go against with (inaudible), you know, says or are we able to modify a little bit? I'm not clear on that.

JUDGE CASTILLO:

It needs to be related, but does not need to be exact.

MS. GROSNER:

Okay, all right. Well, then I would like to propose that OAH -- and it's essentially the same thing I was saying before -- put together a panel of self-represented parents to solicit the input to improve the due process system for unrepresented parties. And I don't know if I need to be more

specific. I know Danielle or Mr. Shaw was talking about once or twice a year. Do we need to go into more detail or is that sufficient what I just read off to you?

JUDGE CASTILLO:

I think it's sufficient. Judge Yazigi, could you repeat what the recommendation is?

JUDGE YAZIGI:

My understanding, and Ms. Grosner, correct me if I'm wrong is that your recommendation tracked exactly how the agenda item was written; is that correct?

MS. GROSNER:

Yes.

JUDGE YAZIGI:

So, what I have is that OAH put together a panel of self-represented parents to solicit input to improve the due process system for unrepresented parties.

JUDGE CASTILLO:

Would any of the committee members like to second that recommendation? Just raise your hand. Ms. Luby, would you state on the record that you second this?

MS. LUBY:

I second the recommendation.

JUDGE CASTILLO:

Okay. Is there any further discussion from the committee about this recommendation? Any discussion from the public attendees regarding this recommendation? Ms. Whiteleather?

ATTENDEE WHITELEATHER:

I would wholly support this. I know that we have had Mr. Shaw mention having judges do presentations and I went to many of those and watched the ALJs tell parents, it's fine, you can do it on your own, it's really easy, you just read. And then he admitted that, no, in fact, parents couldn't do this on their own. He'd never done one with a parent who'd prevailed without representation. It's a very complicated field.

Parents don't have attorneys at their beck and call as do school districts. Parents don't have access. Many is the time that I've wandered through and said, hello, folks. People say what do you say? And they say, I did a hearing and I didn't know.

This is such a need and OAH -- I'm sorry, (inaudible) used to. There was a portion of the law that had representatives, mediators, come in and assist parents in fashioning issues. That, I think, has gone by the wayside, but I think assistance to parents was what the system envisioned.

That's why it is supposed to be administrative. That's why there is no discovery except from some ALJs. But it's a very interesting system that we have. But I'm in support of this.

JUDGE CASTILLO:

Okay. Attendee Jessica (phonetic)?

MS. BELL:

Attendee Jessica, you've been unmuted. You have the ability to speak. You have three minutes. Please proceed.

ATTENDEE JESSICA:

Hello?

JUDGE CASTILLO:

Yes, we can hear you.

ATTENDEE JESSICA:

Okay, okay, good. \So, I as a parent don't have the means to defend myself or my child and I shouldn't have to fight the districts in order to get my child support. And, I mean, I do -- I would love to have an attorney be invited to IEPs when it's needed.

I feel like I'm fighting on my own and times that I've tried to ask for help, they've said that I should seek an attorney, I should seek help, and I've asked for them to provide the help, as they've said that I needed and they are just denying the help that I need.

JUDGE CASTILLO:

Thank you. Attendee Lisa Walker?

ATTENDEE WALKER:

Thank you again for letting me speak and moving forward, how would a parent know how to apply for the parent advisory committee? Will that information be shared somewhere and, if so, how would I know that?

JUDGE CASTILLO:

Thank you. Attendee Lisa Walker?

MS. BELL:

Attendee Lisa Walker had just spoke, so I will move on to Attendee IEP, if we're okay with that?

JUDGE CASTILLO:

Okay.

MS. BELL:

Attendee IEP, please proceed. You have three minutes.

ATTENDEE IEP:

Yes, hi, this is again a parent that has been forced to fight many times when it's not needed, so I strongly thank Ms. Grosner and those supporting her. I would love to see that committee try to help some of us.

I know it's going to be difficult because there is a lot of information out there that we can all seek and read, but nothing like a training, a hands-on.

I would also request that Special Education attorneys are invited to guide a little bit so there is nothing -- there's no question that is not completely answered. So, I will definitely encourage everyone to please vote and think of our children that are in such a need for better education.

So, thank you everyone for your support. Have a wonderful day.

JUDGE CASTILLO:

Any email comment regarding the recommendation?

MS. BELL:

There are no comments at this time.

JUDGE CASTILLO:

With that, we'll move to a vote. The recommendation is that OAH put together a panel of self-represented parents to solicit input to improve the due process system for unrepresented parties, and I will go through the role.

Dr. Rochelle Hooks?

DR. HOOKS:

Yes.

JUDGE CASTILLO:

Daniel Shaw?

ATTORNEY SHAW:

Yes.

JUDGE CASTILLO:

Jessica Little?

MS. LITTLE:

Yes.

JUDGE CASTILLO:

Kathleen Anderson?

ATTORNEY ANDERSON:

No.

JUDGE CASTILLO:

Mindy Luby?

MS. LUBY:

Yes.

JUDGE CASTILLO:

Marianne Grosner?

MS. GROSNER:

Yes.

JUDGE CASTILLO:

Jim Lister-Looker?

MR. LISTER-LOOKER:

Yes.

JUDGE CASTILLO:

Joshua Walden?

ATTORNEY WALDEN:

Yes.

JUDGE CASTILLO:

Julie Lewin?

ATTORNEY LEWIN:

Yes.

JUDGE CASTILLO:

Sue Singh?

DR. SINGH:

Yes.

JUDGE CASTILLO:

Okay. It has passed. Did you get all the votes, Judge Yazigi?

JUDGE YAZIGI:

I did.

JUDGE CASTILLO:

Okay. It has passed both committees and OAH will respond to the recommendation of the Advisory Committee on this item.

The next agenda item is that OAH's interactive dashboard list all school districts in California in the dropdown menu, so families can search cases by school districts. This was submitted by the Southern California committee. Would the person who submitted that like to address that, Marianne Grosner?

MS. GROSNER:

Thank you, Your Honor. Yes, that was me. So, I have to say that the OAH interactive dashboard is a bit confusing. So, I made the request for the agenda item. I actually was on a particular year, like 2020, and when I did the dropdown, I only got like 50 school districts. And I said, wait a second, there's more than 50, but as it turns out, you have to select every single, from 2008 to 2021, and then you might be able to find your school district.

And it's -- and if you do find your school district, the data for a large amount of the school districts goes back to 2017. There's nothing more recent than 2017.

So, I just wonder, you know is there a way that -- or why are they not reporting after 2017 on some school districts on the dashboard?

And is there a way to update the dashboard with perhaps more current data through at least 2021? I know just a handful of districts are updated for 2021, but the majority of them aren't, so.

JUDGE CASTILLO:

Okay. Well, the update, that's the next agenda item, 16, so we'll get to that coming up.

So, we have it as two agenda items; one is the dashboard and the dropdown menu and the next one was more current information.

MS. GROSNER:

Okay.

JUDGE CASTILLO:

So, we will get to that one in a minute. Regarding the -- is there anything further that you want to add regarding the dropdown menu and accessing information by school districts?

MS. GROSNER:

Well, that's where the data is missing, so, you're saying that actually is part of Agenda 16?

JUDGE CASTILLO:

Yes, the way it was submitted, there was two agenda items. One is -- although we can -- if you consider that one, we'll talk about 15 and 16 together. So, 16, you want to discuss that; then, we'll have members of the committee discuss both and then get comments from the public.

MS. GROSNER:

Okay. Sorry, Your Honor. Is it 15? I was looking at 16, but it said -- it seems (inaudible) --

JUDGE CASTILLO:

Well, actually my numbers are different, hold up. You have one agenda item, which is the interactive dashboard by school districts and you have another agenda item regarding the --

MS. GROSNER:

I see.

JUDGE CASTILLO:

-- the data being --

MS. GROSNER:

I apologize. I did not see that. So, yeah, we should probably split those out.

JUDGE CASTILLO:

Okay. So, is there any other comment by the committee regarding the agenda item involving the interactive dashboard regarding access to the information by school districts so families can search? Kathleen Anderson?

ATTORNEY ANDERSON:

I just have a question for OAH. And that is how much effort would it take to expand the dashboard to include that information?

JUDGE CASTILLO:

At this time, I don't know. We've had recommendations in the past similar to our website and I will contact our staff that manages the website to see if something is feasible, if at all. There are always issues involving accessibility due to Section 508, making sure that the information that we have on our website is accessible to all individuals, and then if there are programming changes, work with our IT division to see if programming changes are required and if it can be done. So, that's what we have done in past requests regarding our website and then we report back in our response to the recommendation.

Is there any other comment by the committee members on this topic? Seeing none, is there any comments by the public attendees of this committee meeting? Let's see for Attendee IEP?

ATTENDEE IEP:

Thank you again for the opportunity to provide a comment. As a parent of special needs children, I would love the idea of the interactive dashboard to be much more parent friendly where it could be easily -- tabs can be provided and look for cases within districts.

Even I would like to ask one more step. If this can be available in Spanish because 95 percent within my district are Spanish speakers only and I have told a couple of moms, my friends and I call them my colleagues in the battle, and I ask them to look for information and they say everything is in English. And so I strongly believe that there is some advantage being -- taking advantage of the parents because of their lack of ability to communicate in their native language.

So, thank you, again, for considering this. This is a great opportunity and if you can expand it to be more accessible for most languages within our state, which is Spanish and English, it will be greatly appreciated. Thank you again. Have a wonderful day.

JUDGE CASTILLO:

Thank you. Attendee Anonymous Anonymous.

ATTENDEE ANONYMOUS:

Thank you so much. I want to support this item and thank you again, Ms. Grosner, for looking out for the parent community.

I wanted to echo the comments just made by Attendee IEP including the addition of a Spanish speaking format. The OAH website is really not parent friendly or user friendly and, again, I find it disingenuous when a district representative, who has no problem billing millions and millions of dollars out of the State of California's fund for their profit litigation, to now be concerned about OAH resources when we're talking about the State of California, one of the largest economies in the world.

So, I think that money is well spent. It will help parents and I am wholeheartedly supportive of that concept. Thank you.

JUDGE CASTILLO:

Attendee Lisa Walker?

ATTENDEE WALKER:

Thank you again. I support Ms. Grosner. If we have abundance of food, if a parent doesn't know how to go about getting the food and feed our children, then what is that abundance of food good for us? No, it's not good for us.

So, I support Ms. Grosner because if we are unable to navigate and get the information, it doesn't matter how much food that you have. It's not going to be -- it's not going to be able to -- parents to have access to those food.

So, please, support Ms. Grosner, please. Thank you.

JUDGE CASTILLO:

Attendee Jessica?

ATTENDEE JESSICA:

Hello? Sorry.

JUDGE CASTILLO:

We can hear you.

ATTENDEE JESSICA:

Okay, good. So, I believe that it should be parent friendly; and not only parent friendly, it should be for the Hispanic families. Like I said, I -- well, I'm a sister and my mom is a Spanish speaker and, therefore, I have to translate. I'm not a good translator. So, mom is losing and is not able to help out my brother if she's not understanding if it's not in Spanish.

So, if you don't have it in Spanish, we are limiting those kids that are in need. So, thank you. Thank you for listening and hopefully we can make it parent friendly and, like I said, Hispanic -- for the Hispanic community. Thank you.

JUDGE CASTILLO:

Thank you. Attendee Danielle?

ATTENDEE DANIELLE:

Hi, there, thank you. I also -- my name is Danielle (Inaudible). I also support Marianne Grosner's request. I'd like to take it a step further as well and I would like school districts to list their active and closed OAH cases on their district website.

If we are in full -- if we want to be completely transparent, it's important for parents to know this information when they're making decisions on what schools those children should attend.

Had this information been available to me, I probably would've made a different decision on what school to send my child to. Thank you.

JUDGE CASTILLO:

Is there any email comment on this agenda item?

MS. BELL:

We have one comment. It is for both this Item 14 and the next Item 15. I'll go ahead and read it now.

It says, "Again, my name is Rachel Tolapie (phonetic), parent of two special needs students in Southern California. Thank you to the OAH for making the dashboard interactive for parents to have access to important information about their school districts. Currently OAH only has 53 districts listed under their dropdown menu. I ask the committee to please further support this idea by listing all California school districts and

updating the information to include what is available for the year 2022 (or at least 2021) so that all families can have access to the information.

Thank you."

JUDGE CASTILLO:

Would any of the committee members want to make a recommendation regarding OAH's dashboard? Are you having difficulty, Ms. Grosner?

MS. GROSNER:

Your Honor, sorry, yes, I was having difficulty and I apologize. I couldn't hear. My speaker went out, so I'm trying to charge one and use it, so if you could please repeat what you said? I apologize.

JUDGE CASTILLO:

I was requesting if anybody would want to make any recommendations regarding this agenda item for OAH to consider?

MS. GROSNER:

Your Honor, if it's okay, I'd like to make a recommendation.

JUDGE CASTILLO:

Your recommendation would be?

MS. GROSNER:

Essentially, it's the same thing. I would just like to recommend that the OAH interactive dashboard list all the school districts in California in the dropdown menu so families can search cases by school districts.

JUDGE CASTILLO:

Any discussion by the committee members regarding this recommendation? Any comments by the public attendees regarding this proposed -- oh, actually, sorry. Does anybody want to second this recommendation from the committee? Ms. Lewin?

ATTORNEY LEWIN:

I second the recommendation.

JUDGE CASTILLO:

Okay, thank you. Any discussion about this recommendation from the committee? And from the public, Attendee IEP?

ATTENDEE IEP:

I wanted again I strongly support this recommendation and, once again, I thank everyone who votes yes because you are supporting our children.

And I just have a request. Can you put in a chat or somewhere the email so we can send comments by email as well? I just don't see the email. Thank you.

JUDGE CASTILLO:

For members of the public who are listening and the agenda was available on our website. There is the Advisory Committee email and that is monitored, which we've been reading comments from.

Ms. Whiteleather?

ATTENDEE WHITELEATHER:

Thank you. I just support this. I think access and openness by OAH in information is going to benefit everybody involved. We can find information. We can find what's happened in school districts instead of hiding things. Thank you.

JUDGE CASTILLO:

Thank you. Any email comments regarding the recommendation?

MS. BELL:

No additional comments at this time.

JUDGE CASTILLO:

Okay. With that, we will take a vote. Rochelle 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:

Marianne Grosner?

MS. GROSNER:

Yes.

JUDGE CASTILLO:

Jim Lister-Looker?

MR. LISTER-LOOKER:

Yes.

JUDGE CASTILLO:

Joshua Walden?

ATTORNEY WALDEN:

Yes.

JUDGE CASTILLO:

Julie Lewin?

ATTORNEY LEWIN:

Yes.

JUDGE CASTILLO:

Sue Singh?

DR. SINGH:

Yes.

JUDGE CASTILLO:

Okay. With that, the recommendation that OAH's interactive dashboard lists all school districts in the dropdown menu has passed both committees and OAH will respond to that.

Concerning breaks, there's one more topic that we just talked about, which is 15. My proposal is to handle that one. I think it will go quickly, like the prior one. Then, after that, we will take a 10-minute break.

So, the next agenda item is 15 that OAH update the dashboard to reflect more current information. Ms. Grosner?

MS. GROSNER:

Thank you, Your Honor. Yeah, just kind of what I mentioned before. It's just a lot of the data seems to reflect up to 2017 and there's nothing newer than that. And so, I would love to be able to have -- I think people would love to be able to see more current information than just going back to 2017. So, that's it.

JUDGE CASTILLO:

Any discussion from the other committee members regarding this agenda item? Daniel Shaw?

ATTORNEY SHAW:

Just a question. I'm trying to understand what data is out -- that hasn't been updated and where I can go look at this on the website.

MS. GROSNER:

Yes, Mr. Shaw. So, if you go to the dashboard, it's the cases; specifically, the cases. If you want to take a look at some of your school districts and just do a search, you can find a large percentage of them are only going back to 2017. The bigger ones, like Los Angeles Unified, that one. The bigger ones, like Los Angeles Unified, that one comes up to 2021, but a lot of the other districts -- I looked in San Diego, and their -- most of the data was up to 2017 and nothing more recent than that for cases.

JUDGE CASTILLO:

Any other comments from the committee? You have anything further to add, Mr. Shaw?

ATTORNEY SHAW:

Yes, just another question. Are you looking at the decision search engine that OAH has or are you looking into the box link that they provide?

MS. GROSNER:

Could you elaborate on the box? I'm going to try and look at the interactive dashboard as we speak.

ATTORNEY SHAW:

Sure. So, my understanding is there's two ways to access -- well, there's actually three ways to access decisions. Some of the older ones are maintained by the California Department of Education and there's some instructions on how to access some of those older decisions.

Then, there's a search bar engine that only maintains up to a certain year, and then on their site, though it's not super -- maybe that's what you're looking for? It could be better highlighted. There's a link to a decision box that has more updated decisions and I know just from relying upon that, there are lots of decisions that are recent, though not every decision is put up there. I know that's been a request in the past and it's been denied. There is -- there are updated decisions more recently than 2017 in the decision -- what they call the decision box.

MS. GROSNER:

Okay. Thank you for that. I'm actually looking at what OAH has and it's called an interactive dashboard. And you can go see all the cases that have been filed and the average case times in terms of days and you can search by year, quarter, et cetera.

So, I guess that's specifically what I'm speaking to.

JUDGE CASTILLO:

Sorry. If you go to the OAH website and in the search function, type in dashboard, you'll see one thing -- dashboard and quarterly reports for Special Education.

Any other comments from the committee members? With that, we'll go to public attendees, Anonymous Anonymous.

ATTENDEE ANONYMOUS:

Yes, thank you. I first wanted to thank you, Judge, for your acknowledgement of accessibility and for being sensitive to that issue, especially in light of the fact that this committee is supposed to be dedicated to the topic of special education. So, I thank you for that.

I wholeheartedly support the recommendation by Ms. Grosner. I think anything we can do to update and simply and make the information easily accessible to the public is a benefit. It's a public benefit.

I know that when Mr. (Inaudible) was in the committee, he brought up the issue that all decisions should be listed and I don't think it should stop us just because it's a big database. I think the State of California can handle that.

This is not a small school district. We're talking about the State of California and there's literally millions of dollars in funding. So, I think that's completely doable.

And the information should reflect the most current information. So, it's really troubling to see that in some parts of the OAH website, the information is still outdated and, you know, I recognize that maybe it could be found via other means, but a member of the public should not have to dig and search like pigs looking for truffles on a website.

If there's a dashboard and if there's information on a dashboard, it should be readily accessible. Very simple concept.

Also, we, the parent community, is monitoring these meetings closely. We are tracking the votes of the members of this committee. So, be aware that we do share the video out with parents for them to watch precisely how individuals are voting. So, you will be held accountable for your vote. Thank you.

JUDGE CASTILLO:

Ms. Bell, any email comment?

MS. BELL:

Judge Castillo, I would like to remind folks out there looking to submit comments, please also include the item number that you are writing a comment for. If you do not provide the item that you're writing for, it will be processed as a general comment and we will review it at the end of the meeting.

JUDGE CASTILLO:

We have no further public comment. Any recommendation from the committee on this for OAH to consider? Ms. Grosner?

MS. GROSNER:

Thank you, Your Honor. So, I'd like to recommend OAH update the interactive dashboard on the website to reflect more current information.

JUDGE CASTILLO:

Judge Yazigi, do you have that?

JUDGE YAZIGI:

I do and it tracks with how that is written on Item 15.

JUDGE CASTILLO:

Thank you. Would anyone on the committee like to second the recommendation? Ms. Lewin?

ATTORNEY LEWIN:

I second the recommendation.

JUDGE CASTILLO:

Thank you. Any further discussion? Any discussion on the recommendation that OAH update the dashboard to reflect more current information by the committee? Daniel Shaw?

ATTORNEY SHAW:

I just still continue to be confused by what the recommendation is targeting because I heard from the community issues or concerns about decisions being updated. When I went onto the interactive dashboard, it looks like it's updated through 2021 and then on the -- under the quarterly reports, they're updated through 2021/22 fiscal year going through March. I assume the May through June isn't ready yet, but I'm just trying to understand what's being targeted in this recommendation.

JUDGE CASTILLO:

Ms. Grosner, correct me if I'm wrong. What you're targeting is the webpage dealing with the dashboard and the reports, correct?

MS. GROSNER:

That's correct, and, Mr. Shaw, is looking at the dashboard, I believe. So, you were mentioning 2021. If you click on just 2021, how many school districts do you see under the dropdown? I've counted before and I came up with 38 school districts, and I selected 2020, and I came up with 49 school districts. So, in 2019, it was 51 school districts. So, it's -- that's what I'm speaking to.

ATTORNEY SHAW:

To be honest, not being super familiar with the dashboard, I'm not sure how to answer that question. I think I see what you're saying now. I just pulled up a particular district and it's only updated through 2017.

My question would be to OAH is the reason for that because the last decision was filed in 2017 or are there districts that you're aware of that that information hasn't been updated for?

JUDGE CASTILLO:

Without doing more analysis of the data, I cannot give an answer to that. What I understand from Ms. Grosner dealing with the information not being updated, if that's the recommendation that this committee passes, we'd be looking at as to what is reported on the dashboard, is the

information there accurate as to the number of actions by school district, and what is exactly reporting or not reporting. And depending -- and the response may differ based on what those findings are.

MS. GROSNER:

If I could, Your Honor, just say something to Mr. Shaw. I pulled up a couple of my school districts that I know have had dozens of cases in the year 2017 and nothing is listed. So, I feel like there's some information lagging in getting input, I guess, into the dashboard. I'm not exactly sure. I don't want to say it's accurate; it's just the information is not there and it feels like it should be there, at least 2018, 2019, 2020, 2021. I mean, so, I just wanted to add that.

JUDGE CASTILLO:

Anything further, Mr. Shaw?

ATTORNEY SHAW:

No, I better understand the concern and I see the issue as well as I click on school districts. It looks like everything is only updated through 2017 when you identify a particular school.

JUDGE CASTILLO:

Dr. Hooks?

DR. HOOKS:

I believe this is something that the committee brought up previously and at the time the judge, when she came back with the minutes, had said they don't put every case up there. But they just chose certain cases. Is my memory faulty?

JUDGE CASTILLO:

I would have to look at the prior responses back if there had been a recommendation about the dashboard and what those -- what OAH's response was. But, as I indicated for the agenda items, because we have new members, that's why we have the two year rotation. So, things may come up again because of having new committee members and not wanting to lock them out of the process, saying that we just address something that was four years ago.

Are there any other comments from the committee about the recommendation? And from the public attendees? Attendee IEP?

ATTENDEE IEP:

Yes, good morning again. I strongly support this recommendation because we need to be informed, I mean, for better provide transparency to all parents. I would strongly suggest that any and all information is posted on your website. Thank you.

JUDGE CASTILLO:

Attendee Whiteleather?

ATTENDEE WHITELEATHER:

I don't understand anything that would preclude us from looking at decisions because, of course, those are ALJ/OAH decisions that we need to know about, that the public should know about. We know that some of the monies that school districts have, they funnel together and have groups that are tracking these. Parents don't have that access. Some of the smaller law firms, who are representing parents, certainly don't have that access.

Having access to prior decisions may even cut down on future hearings if somebody looks at it and says, look, here's the way it is. That's not a viable issue, and I'm not just talking parents. I'm talking attorneys like me, who are sole practitioners, may say, yeah, yeah, I see that and not go forward.

So, this could be a big benefit, but we need to see everything. We need to know where OAH is going. We need to understand what the decisions are saying, so we can track and it's all public record. It used to be available and I would ask that it all be made available, everything.

So, I support this and I support full transparency of all the decisions. Thank you.

JUDGE CASTILLO:

I'd like to clarify this is just dealing with the dashboard. There is a separate part of the OAH website for a decision search and they're

different parts of the website. This is only -- the recommendation is only dealing with the dashboard and the information on the dashboard.

Attendee Martha (phonetic)?

MS. BELL:

Attendee Martha, I see that you are unmuted, but we do not hear you.

JUDGE CASTILLO:

Are you there, Attendee Martha? We'll go to Attendee Lisa Walker.

ATTENDEE WALKER:

Thank you again. I strongly support Ms. Grosner and this is what we're talking about one sided and that we need to work on transparency. And so, thank you, Ms. Grosner.

JUDGE CASTILLO:

You want to make one more attempt on Attendee Martha?

ATTENDEE MARTHA:

(Inaudible)?

JUDGE CASTILLO:

Yes, we can hear you now.

ATTENDEE MARTHA:

[In Spanish].

INTERPRETER AUDRY:

Good morning.

ATTENDEE MARTHA:

[In Spanish].

INTERPRETER AUDRY:

(Inaudible).

JUDGE CASTILLO:

Do you need an interpreter?

ATTENDEE MARTHA:

[In Spanish].

JUDGE CASTILLO:

Okay. Well --

INTERPRETER AUDRY:

(Inaudible) Spanish.

ATTENDEE MARTHA:

[In Spanish].

INTERPRETER AUDRY:

(Inaudible) to Spanish.

ATTENDEE MARTHA:

[In Spanish] IEP.

INTERPRETER AUDRY:

I have a student whose special needs and has an IEP.

ATTENDEE MARTHA:

[In Spanish].

INTERPRETER AUDRY:

(Inaudible) information on the website.

ATTENDEE MARTHA:

[In Spanish].

INTERPRETER AUDRY:

I would support Ms. Grosner and I also am for the support for children.

ATTENDEE MARTHA:

[In Spanish].

INTERPRETER AUDRY:

Thank you for listening to me.

JUDGE CASTILLO:

Okay. Thank you. Any other comments from the committee before we take a vote? Ms. Lewin?

ATTORNEY LEWIN:

Just that I couldn't hear the English translation. I didn't know if that was for other people as well.

JUDGE CASTILLO:

It will be. We'll work with Ms. Audry and Attendee Martha during the break making sure.

MS. BELL:

Nothing further.

JUDGE CASTILLO:

Okay. With that, we'll take a vote that OAH update the dashboard to reflect more current information. Rochelle Hooks, your vote?

MS. HOOKS:

Yes.

JUDGE CASTILLO:

Daniel Shaw?

ATTORNEY SHAW:

Yes.

JUDGE CASTILLO:

Jessica Little?

MS. LITTLE:

Yes.

JUDGE CASTILLO:

Kathleen Anderson?

ATTORNEY ANDERSON:

No.

JUDGE CASTILLO:

Mindy Luby?

MS. LUBY:

Yes.

JUDGE CASTILLO:

Marianne Grosner?

MS. GROSNER:

Yes.

JUDGE CASTILLO:

Jim Lister-Looker?

MR. LISTER-LOOKER:

Yes.

JUDGE CASTILLO:

Joshua Walden?

ATTORNEY WALDEN:

Yes.

JUDGE CASTILLO:

Julie Lewin?

ATTORNEY LEWIN:

Yes.

JUDGE CASTILLO:

Sue Singh?

DR. SINGH:

Yes.

JUDGE CASTILLO:

Okay. That recommendation has passed and OAH will respond to that before the agenda items are due for June 2023.

At this time, we'll take a 15-minute break. We will be back at 12:10. I'd like to advise the members that we do have lengthy agenda items from Southern California and also for the people, public attendees, of that.

We will go -- we are scheduled through 1 p.m. We may go longer if the members of the Advisory Committee are available. However, if we drop below a quorum, we may discuss the agenda items, but no votes on the recommendation may be had and I will be keeping track to see if we have a quorum in the north and the south as separate committees at that time, and I'll inform the committees if people drop off that we lack a quorum.

So, with that, we're on break until 12:10 p.m. Thank you.

(Off the Record)

JUDGE CASTILLO:

We are back from our break. As I indicated earlier, we are scheduled for 1 p.m., which is the time. We may go a little bit longer, but if we cannot complete all the agenda items today, one of the things to discuss for the committee at that time is a rescheduled meeting to finish the agenda items and that would be the same process as everything else; get comments, dates, public response. It would need to at least be 10 days out because we'd have to re-notice this meeting and we need to give 10 days' notice of any rescheduled matter.

So, the next agenda item is Item 16 that OAH begin the meeting by outlining the purpose of the committee in terms of what the committee can advise on. Ms. Hooks?

MS. HOOKS:

Yes, I brought this because in one of our previous meetings, the judge presiding went over that and I thought that was very helpful and also given that there's new members that it gives the parameters of what we are able to bring up and not bring up.

JUDGE CASTILLO:

Any further discussion by the other committee members? Any comments by the public attendees? Seeing none, any email?

MS. BELL:

No written comment at this time.

JUDGE CASTILLO:

Okay. And would you like to -- would any member of this committee like to make a recommendation on this agenda item?

MS. HOOKS:

I'm Rochelle Hooks and I would like to make a motion that the committee meetings include at the beginning of the meeting, the purpose of the committee and the parameters of the committee.

JUDGE CASTILLO:

Do you have that Judge Yazigi?

JUDGE YAZIGI:

I just wanted to ask a clarifying question of Dr. Hooks, if I may? So, does that mean just for purposes of note taking, Dr. Hooks, that your recommendation tracked what was set forth in Agenda Item 16; basically that OAH begin the meeting by outlining the purpose of the committee in terms of what the committee can advise on?

MS. HOOKS:

Yes.

JUDGE YAZIGI:

Okay. Any second from the committee?

ATTORNEY SHAW:

I'll second it.

JUDGE CASTILLO:

Daniel Shaw?

ATTORNEY SHAW:

I'll second it.

JUDGE CASTILLO:

Okay. Any further comment from the committee on this recommendation? None. We'll go to public. Attendee Martha?

ATTENDEE MARTHA:

[In Spanish].

INTERPRETER AUDRY:

Good morning, again.

ATTENDEE MARTHA:

[In Spanish]?

INTERPRETER AUDRY:

Can you hear me? Can you hear me?

MS. BELL:

Yes, we can hear you.

JUDGE CASTILLO:

(Inaudible), Ms. Audry.

INTERPRETER AUDRY:

[In Spanish]. You're not listening to the translation?

ATTENDEE MARTHA:

No, [In Spanish].

INTERPRETER AUDRY:

I'm having problems listening. I cannot hear listening. Yeah, I am speaking. Nobody can hear me? Nobody can hear me when I speak?

MS. BELL:

I can hear you. I'm in the English channel.

UNIDENTIFIED VOICE:

Hello, I would just like to quickly let everyone know that if you haven't already, please click at the bottom of your screen and select the language that you will be speaking and listening in. So, if you are an English speaker, please select English. If you are a Spanish speaker, please select Spanish.

Also, you may find it helpful in that same menu to select "mute original audio". This will allow you to only hear the audio in that single language; whereas, if you have the original audio unmuted, you will hear both the interpreter and the person who's being interpreted for and that can be a little bit distracting and make it harder to hear. Thank you.

ATTENDEE MARTHA:

[In Spanish].

MS. BELL:

Judge Castillo, I have not started the three minutes. I do not believe we have addressed the actual commentary.

JUDGE CASTILLO:

Well. [In Spanish], Martha. What was that, Ms. Bell?

MS. BELL:

I cannot hear --

ATTENDEE MARTHA:

[In Spanish] --

JUDGE CASTILLO:

Martha, [In Spanish].

MS. BELL:

I'm so sorry if I was interrupting. I did not hear --

ATTENDEE MARTHA:

[In Spanish] --

MS. BELL:

-- the commentary. I'll go ahead and start now.

ATTENDEE MARTHA:

-- [In Spanish].

JUDGE CASTILLO:

Ms. Audry, we can't hear you.

UNIDENTIFIED VOICE:

Judge Castillo, I'd like to recommend that we just move to consecutive interpretation.

ATTENDEE MARTHA:

[In Spanish] --

JUDGE CASTILLO:

We're going to go with --

INTERPRETER AUDRY:

Okay. We're going to -- so, there's a problem because I'm interpreting and I think it's a simultaneous interpretation. You're still not listening to me? Nobody can hear me?

JUDGE CASTILLO:

No one can hear you.

INTERPRETER AUDRY:

You can hear me, Mr. Castillo?

JUDGE CASTILLO:

I can hear you now.

INTERPRETER AUDRY:

You can hear me now. And all the people are shaking their heads.

UNIDENTIFIED VOICE:

So, we're going to move to consecutive. Brittney, can you please turn off the interpretation feature? That will move us all into a single audio channel and there will no longer be any need to switch.

However, we will need to give Ms. Audry time to interpret between speakers and you also may need to slow down a little bit at times just to allow Ms. Audry a moment to catch everything that you're saying. Thank you.

INTERPRETER AUDRY:

Okay. [In Spanish].

ATTENDEE MARTHA:

[In Spanish].

INTERPRETER AUDRY:

Thank you very much.

JUDGE CASTILLO:

You may continue. [In Spanish], Martha?

ATTENDEE MARTHA:

[In Spanish].

INTERPRETER AUDRY:

Yes, I will. Thank you very much.

JUDGE CASTILLO:

Okay. Any email comment on the recommendation, Ms. Bell?

(From this point forward, there is consecutive Spanish interpretation by Interpreter Audry)

MS. BELL:

There is no written comment at this time.

JUDGE CASTILLO:

And we'll take a vote on this agenda item. Dr. Hooks?

DR. HOOKS:

Yes.

JUDGE CASTILLO:

Daniel Shaw?

ATTORNEY SHAW:

Yes.

JUDGE CASTILLO:

Jessica Little?

MS. LITTLE:

Yes.

JUDGE CASTILLO:

Okay. Kathleen Anderson?

ATTORNEY ANDERSON:

Yes.

JUDGE CASTILLO:

Mindy Luby?

MS. LUBY:

Yes.

JUDGE CASTILLO:

Marianne Grosner?

MS. GROSNER:

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:

Sue Singh?

DR. SINGH:

Yes.

JUDGE CASTILLO:

This recommendation has passed, and OAH will issue a response to the recommendation.

The next Agenda Item 17. That OAH inform the Special Education local plan area, known as SELPA, when there is a due process filing involving a local education agency that belongs to that SELPA.

Ms. Little, would you like to discuss?

ADMINISTRATOR LITTLE:

Thank you, Your Honor. So, when we -- when there's a complaint filed with the California Department of Education, SELPA directors are copied on that complaint.

JUDGE CASTILLO:

Ms. Little, you're going to have to break it, like I did, for the interpreter.

ADMINISTRATOR LITTLE:

But when there is a due process complaint, we are not copied on it. And I think it would be beneficial for a couple of reasons.

One is simply monitoring and reporting. So, we need to report numbers of filings to the California Department of Education for alternative dispute resolution purposes. And we can get that information from our districts, but it would be easier.

And the second piece, which I think is more important, is from a system lens that we could -- we would be informed earlier; so, as soon as the complaint is filed with the district or the parent. And then we could track trends or offer support earlier in order to assist with alternative dispute resolution, which would be helping families and districts to resolve the dispute at a lower level.

And, in turn, provide support or training or other things needed if we identify patterns through the different conflicts or the different issues that are filed. Thank you.

JUDGE CASTILLO:

Any other discussion from the other committee members on this agenda item? Mindy Luby?

MS. LUBY:

Thank you. I just wonder, not working for a school district, right? I wonder if there are processes in place that just don't work? Or if there just aren't processes in place?

And the reason that I wonder that is based on Ms. Anderson's comments previously, in that there aren't enough resources, you know, from her perspective, for OAH to do their job and her concern was in helping the parents, providing more information for the parents would be difficult for OAH.

And now what it sounds like we might be doing is asking for OAH to do something that perhaps should be a system item to begin with. I think that's all.

JUDGE CASTILLO:

Daniel Shaw?

ATTORNEY SHAW:

I guess I have concerns with this proposal from the perspective that if identifying information about the family or the student is provided in that exchange, [it] compromises the confidentiality of this process.

I'm not sure that OAH as a judicial body can simply disclose that kind of information to a nonparty -- or to a party that's not -- or to an entity that's not a party to a due process hearing.

JUDGE CASTILLO:

Dr. Sue Singh?

DR. SINGH:

Thank you, Your Honor. I think I would like to offer support to Ms. Little's recommendation and suggestion here because school districts are part of the Special Education local plan area and --

JUDGE CASTILLO:

Can you stop for the interpreter?

DR. SINGH:

Yes. And what Ms. Little's intent, as I understand, is to offer support through the alternative dispute resolution process to address the root of the concern between the school district and the family at a local level -- at a lower level, so to say. Thank you.

JUDGE CASTILLO:

Kathleen Anderson?

ATTORNEY ANDERSON:

My question is don't the agreements between SELPAs and member districts already require districts to provide that information or could they be drafted in that way?

JUDGE CASTILLO:

Ms. Grosner?

MS. GROSNER:

Thank you, Your Honor. I guess I have some concerns about this one. It just seems like this should actually be the duty of the school district, not OAH. And if I heard the proposal correctly, or the discussion, by -- I forget the member who posted this. But she said that she can get it from the --

JUDGE CASTILLO:

Can you slow down for the interpreter?

INTERPRETER AUDRY:

She has not come to the like -- okay. I'm going to translate what she --

JUDGE CASTILLO:

Repeat yourself, Ms. Grosner. You're mute, Ms. Grosner.

MS. GROSNER:

Oh, I thought you said to mute me. I'm sorry.

JUDGE CASTILLO:

No, no. I said could you repeat yourself? If you'll repeat?

MS. GROSNER:

Okay, and I'll slow down.

JUDGE CASTILLO:

And just break it for the interpreter.

MS. GROSNER:

Yes, okay. Sorry about that. I just have some concerns about this proposal. It seems like it should be the duty of the school district and not OAH. And if OAH was actually going to consider this, then I don't see any reason why OAH can't verify when, say, SELPA lawyers file for due process.

And, additionally, I don't also see any reason why OAH cannot ensure that they have obtained school board approval to engage in litigation.

And those are my comments. Thank you.

JUDGE CASTILLO:

Ms. Anderson, do you have anything further?

ATTORNEY ANDERSON:

My question is really directed to either Ms. Little or Dr. Singh. And my question is do the agreements between SELPAs and member districts require districts to provide this information. And, if not, could they be drafted to so require?

DR. SINGH:

This is Sue; I'll respond to that, as that I am a single district SELPA; representing a single district SELPA. So, not necessarily applying to me, but I am sure Jessica will have more as a multi.

ADMINISTRATOR LITTLE:

So, I am a multi-district SELPA director. I have 13 LEAs. We don't have agreements per se. They do notify me in general when they have a due process filing. My -- sorry, I'll wait.

Part of my request is around just the timeliness of it. But if we are notified at the same time? So, for example, when a complaint is filed with the California Department of Ed, we're copied on the complaint and receive just the complaint that was filed. And then I can reach out to either the district or the parent for support.

And so, asking a district for it, I could do that, but -- or I'm just relying on them to share it with me. And the same with the parent.

JUDGE CASTILLO:

Anything further, Ms. Anderson?

ATTORNEY ANDERSON:

I'm thinking not that it would be you that would have to reach out to the districts, but the other way around through the SEPLA agreement.

ADMINISTRATOR LITTLE:

Yes, they could reach out to me. But if a parent needs support, they don't always know that a SELPA exists. So, I'm looking at it from both perspectives, the parent and the district.

JUDGE CASTILLO:

Anything further, Ms. Anderson.

ATTORNEY ANDERSON:

And I appreciate that. I still think, though, that it could be included in the SELPA agreement, so that within five school days of either filing for due process or receiving one, they notify you. And then you can reach out to the parent or whatever you want to do.

JUDGE CASTILLO:

Nothing else, we'll go to the attendees. Attendee Martha?

ATTENDEE MARTHA THROUGH INTERPRETER AUDRY:

Thank you. I just would like to make a comment. I do not agree with Number 17. SELPAs have all their employees to -- they're assigned to do this job. Thank you for letting me participate.

JUDGE CASTILLO:

Thank you. Attendee Anonymous Anonymous?

ATTENDEE ANONYMOUS:

Yes. Thank you. I am anxiously waiting to see how Ms. Anderson will vote on this item given the fact that she's repeatedly advocated at this meeting for OAH not to be burdened with additional tasks.

I wholeheartedly support Mr. Shaw's comments on confidentiality. SELPAs are different entities. They are not the district.

In my area, in the West End, our SELPA has a budget of 200 million dollars a year. They have an administrator that makes over 200,000 dollars and they have a due process manager that makes over 190,000 dollars a year.

So, I find it really ridiculous that the SELPAs would come to OAH for OAH to essentially act as a SELPA secretary. The districts have their own lawyers and they have SELPAs. So, they can do their own work. The public doesn't have to pay for that any longer.

So, I cannot feel sorry for a bureaucrat that's making over 200K a year and wants their life to be made easier at the public expense.

I would like to point out to the committee that ALJ Castillo rightfully issued an order to show cause to Royal Lord (phonetic) in the West End SELPA--

MS. BELL:

I'm sorry. That is the end of our three minutes.

JUDGE CASTILLO:

Attendee IEP?

ATTENDEE IEP:

Good morning again. Thank you for the opportunity to provide comment. I, too, would like to say that I'm totally against Number 17 on your agenda because SELPAs have all the money that you can think of and funding and resources.

If they wanted to stop litigation, then they need to start providing services. SELPAs need to stop violating the child's rights. If we want to stop litigation, you've got to stop funding litigious lawyers.

I am totally against for my tax funds to be used again to help SELPAs rather than to provide services to our children. So, I highly encourage the members here, that are about to vote, say no to 17. Thank you.

JUDGE CASTILLO:

Attendee Jessica?

ATTENDEE JESSICA:

Hello?

JUDGE CASTILLO:

(Inaudible) --

ATTENDEE JESSICA:

Oh, sorry. So, I just wanted to say to not support 17. SELPA has the resources and they have their own lawyers, so, no to 17, please.

JUDGE CASTILLO:

Attendee Lisa Walker?

ATTENDEE WALKER:

Thank you, again. I do not support Number 17 as well. SELPA is [a] very powerful entity, so they have their own lawyers. School districts have --

JUDGE CASTILLO:

Ms. Walker?

ATTENDEE WALKER:

Yes?

JUDGE CASTILLO:

I'm just only -- just for the interpreter, I'm just going to -- if you could just break it down?

ATTENDEE WALKER:

Oh, sorry. I forgot. When I go to [the] IEP table, I have approximately 14 staff from SELPA, [and] me as a parent representing for my child. My child, who is unable to use fingers, receive one minute OT services. This is why I say it is [a] one-sided educational system. Please think about parents and our children. Thank you.

JUDGE CASTILLO:

Attendee Robert?

ATTENDEE ROBERT:

Hello. Hello?

JUDGE CASTILLO:

Yes, we can hear you.

ATTENDEE ROBERT:

Okay. How are you guys doing today? You know what? I feel like Lisa and Jessica stole the words right out of my mouth. I want to say no to 17 as well. That's all I have to say. Thank you.

JUDGE CASTILLO:

Thank you very much. Attendee Suzanne (phonetic)?

ATTENDEE SUZANNE:

Yes, thank you for taking my comment. I'm a former parent and I'm an interventionist in reading and I've been in this game for, now, 35 years.

And perhaps I'm the optimist here on the parent side that this, to me, Number 17, seems like a no-brainer. Everyone who is interested or has a stake in a filing needs to know about it. They can do nothing, but they can advocate --

JUDGE CASTILLO:

Wait one second.

MS. BELL:

Just a second.

ATTENDEE SUZANNE:

Okay, I'm sorry. So, the people who have an interest, the SELPA, the school, the parent, the attorneys, they all should know.

So, one would hope that the SELPA will have the best interest of the student and could provide some information to parents of programs that are available and now that teachers are required by the Teachers' Commission on Credentialing to learn about dyslexia, learning disabilities, assessment for these things, that perhaps as an optimist we could all get on the same page, the page of the student. Let's work together.

JUDGE CASTILLO:

Attendee Lily Ohloa (phonetic)?

ATTENDEE LILY THROUGH INTERPRETER AUDRY:

Yes, can you hear me?

JUDGE CASTILLO:

We can hear you.

INTERPRETER AUDRY:

Yes.

ATTENDEE LILY THROUGH INTERPRETER AUDRY:

I would just like to say that I do not support Proposition 17. SELPA, they have their lawyers and resources. Thank you.

JUDGE CASTILLO:

Thank you. Attendee Adrianna (phonetic)?

ATTENDEE ADRIANNA:

Hello. I also do not agree with Proposal 17. Thank you.

JUDGE CASTILLO:

Okay. Ms. Bell, any email comments?

MS. BELL:

We have one written comment for Item 17. It says, "Hello, my name is Rachel Tolapie, parent of two special needs students with IEPs in Southern California. SELPA is a different entity and notification is the responsibility of the school districts. OAH has already been advised that they do not represent the districts. To support this recommendation would mean that the school districts are not fulfilling their duties. If this is the case, then steps need to be taken to address the districts. I ask this committee to oppose this recommendation and keep the school districts accountable to the families they serve. Thank you."

JUDGE CASTILLO:

Anything further from the committee members? Would anyone like to make a recommendation regarding the Agenda Item 17? There's no recommendation that's being made. We'll move on.

I would just like to know from the committee members. The options are for the different -- we have Agenda Items 18, 19, 20, 21, 22, that's five, 23, 24. There's seven more. If whether or not the members would like to adjourn this meeting and, before adjournment, schedule another meeting to discuss the remaining seven agenda items?

JUDGE CASTILLO:

Dr. Hooks?

MS. HOOKS:

I would like to make a motion to adjourn this meeting and reschedule to go over the remaining seven items.

JUDGE CASTILLO:

Would anyone like to second Dr. Hooks' recommendation?

ATTORNEY ANDERSON:

I second the recommendation.

JUDGE CASTILLO:

Okay. We will take any further comment from the committee. If that is the case and that is a vote, before we adjourn, we will agree on a new meeting date and then OAH will put forward a new agenda with the dates. Ms. Bell?

MS. BELL:

Judge Castillo, we did have some public written comments for future items. Shall I read over the comments prior to ending this meeting today?

JUDGE CASTILLO:

Those will be -- those will be saved for the next committee meeting.

MS. BELL:

Judge Castillo, in that case, then I would just like to address one comment that came in at 11:32.

JUDGE CASTILLO:

And that is?

MS. BELL:

This came from Maria Arabino (phonetic) supporting a recommendation. Unfortunately, we were not able to capture the specific item. It was not in the comment. I just wanted to ensure that we did make sure that it was heard. Thank you.

JUDGE CASTILLO:

To the extent that it was to an agenda item that we heard, it is appropriate.

So, at this time to take a vote to adjourn, subject to (inaudible) still on the record for a continued date. Dr. Hooks?

DR. HOOKS:

Yes.

JUDGE CASTILLO:

Daniel Shaw?

ATTORNEY SHAW:

I had my hand raised. I didn't feel it was appropriate to adjourn the Advisory Committee hearing until -- or without taking public comment. I

figured that would be an important part of this process and it would be beneficial to committee members in anticipation of another committee meeting to be able to hear from the public is my only concern.

JUDGE CASTILLO:

Ms. Bell, how much email comments have we received? I mean, Mr. Shaw, I'm going to -- we can take -- we can, if you -- if the committee wants, this is just take public comments period, and not as to any agenda item or there. But what I would like to do first is to get -- that we close the meeting, agree to the dates, then before adjournment then take the public comments.

INTERPRETER AUDRY:

Mr. Castillo, I'm booked until one and I have another appointments, so, I'm very sorry, but I will have to leave this at one, like in one minute.

JUDGE CASTILLO:

Then, go. Then, there's nothing -- just log off. Bye.

INTERPRETER AUDRY:

Thank you very much.

JUDGE CASTILLO:

With that, we do not have a Spanish interpreter, so we cannot provide further translations to, at least, the two Spanish-speaking parties in there. And I feel it would be unfair that those persons would not be able to hear the comments.

I would rather we schedule a meeting and if we need to schedule an all-day meeting to have everyone available to hear all the public comments, all the committee members discussions on these agenda items, we can schedule an all-day meeting from nine to five. I am willing to be here from nine to five for this with a lunch break if that is the intent of the committee.

So, before we adjourn, are there dates that the party -- on a Friday or a Monday that parties are available nine to five for Advisory Committee meeting? Thinking about looking for 10 days' notice because we have to give 10 days to meet the Bagley-Keene Brown Act.

ATTORNEY SHAW:

Judge Castillo, do you know is that 10 business days or 10 calendar days?

JUDGE CASTILLO:

Calendar days. I actually had to look that up because I was scared on something. I go, oh, I have more time. And I know your calendars are full, so either November 14th or 18th, December 9th, December 12th, December 16th.

ATTORNEY SHAW:

So, Judge Castillo, I would propose reconvening on November 14th since that appears to be the sooner of the dates.

MS. SINGH:

I'm so sorry. This is Sue. I am unable to attend in November. The dates are all blocked. So, December works.

JUDGE CASTILLO:

Okay. And just one comment is that Dr. Hooks will not be available as her term expires at the end of this month. So, for members of a quorum, so that. So, we can schedule, but it depends on a quorum. If we don't have a quorum for one section, but for another section, then the section that does have a quorum can take votes and issue recommendations for OAH to consider.

So, are there times -- so, this is solved through a vote. So, I know Dr. Singh says she's not available any time in November. Ms. Grosner?

MS. GROSNER:

Yes, Your Honor. I just had a question. So, you said it's going to be a full day for the next meeting, nine to five?

JUDGE CASTILLO:

Based on the agenda items that we have and the number that are there and the amount of public comment that we have gotten as to every single agenda item and I expect we'll have the same amount of public comment, we would not -- for a three-hour period, we would not be able to get through those seven agenda items that are outstanding.

So, the other option is -- for this committee to consider is pushing all these agenda items if they do not want to hear them now is in the -- bring them up again in the May meeting. So, the options are for the committee to decide whether or not to have an interim meeting. I understand to have then sooner or not to address these items and adjourn and submit them again for May and OAH would schedule for -- not May, June, sorry -- the June 16th meeting, nine to five.

Because based on the comments that we've gotten from the public that we are required to hear under the Open Meeting Act then we'll extend the time to respond to these for full discussion before a vote. Ms. Little?

MS. LITTLE:

I'm not sure if we're going to go through all the dates, but the only date I'm available all day would be December 16th of the dates that were listed.

JUDGE CASTILLO:

Ms. Anderson?

ATTORNEY ANDERSON:

Well, in answer to the question, I would prefer not to wait until June. I would prefer to reschedule and I guess my other thought is some people can't attend, but do we have enough people who can attend so that we can meet sooner rather than later?

JUDGE CASTILLO:

That's what I'm trying to judge right now.

ATTORNEY SHAW:

I would second December 16th if that date works for everybody else.

JUDGE CASTILLO:

Okay. Mr. Shaw, can you phrase that as a motion and then I'll get a second?

ATTORNEY SHAW:

I motion to continue this Advisory Committee to December 16th, 2022.

JUDGE CASTILLO:

Is there any second on this?

MS. SINGH:

I'll second this. It's Sue Singh.

JUDGE CASTILLO:

Ms. Singh. And from a vote, although this is your last meeting, Dr. Hooks, but you still get to vote.

DR. HOOKS:

Yes.

JUDGE CASTILLO:

Daniel Shaw.

ATTORNEY SHAW:

Yes.

JUDGE CASTILLO:

Jessica Little.

ADMINISTRATOR LITTLE:

Yes.

JUDGE CASTILLO:

Kathleen Anderson?

ATTORNEY ANDERSON:

Yes.

JUDGE CASTILLO:

Mindy Luby?

MS. LUBY:

Yes.

JUDGE CASTILLO:

Marianne Grosner?

MS. GROSNER:

Yes.

JUDGE CASTILLO:

Jim Lister-Looker?

MR. LISTER-LOOKER:

Yes.

JUDGE CASTILLO:

Joshua Walden?

ATTORNEY WALDEN:

Yes.

JUDGE CASTILLO:

Julie Lewin?

ATTORNEY LEWIN:

Yes.

JUDGE CASTILLO:

Sue Singh?

MS. SINGH:

Yes.

JUDGE CASTILLO:

We will be in adjournment. Before I adjourn, we'll include steps. OAH will publish the agenda for the 16th of December. The time will be nine to five. We will get an interpreter or interpreters for the entire period of nine to five. New announcements will go out. We will work again with interpreters to make sure about the interpreter channel so that will make the meeting go quicker.

The recommendations that have already been passed have been passed. They've been voted upon and OAH will respond to those before the June 2023 meeting, and we will then add on if anything's passed on December 16th onto that meeting.

Let's see. Judge Yazigi?

JUDGE YAZIGI:

Yes, Judge Castillo, just for the sake of clarity, I realized that Dr. Hooks had made a recommendation that was seconded by Ms. Anderson. That vote was interrupted by further discussions. So, I'm just going to deem that as that recommendation as scraped and superseded by the one that was just voted on.

JUDGE CASTILLO:

Correct. With that, the Advisory Committee is adjourned and we will be back at 9 a.m. on December 16th. Thank you very much. And we stop the recording.

(Recording Ends)

- INTERVIEW 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 October 21st, 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 18th day of November, 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