

ADVISORY COMMITTEE MEETINGS
OCTOBER 21, 2022 AND DECEMBER 16, 2022
OFFICE OF ADMINISTRATIVE HEARINGS' RESPONSE TO
COMMITTEE RECOMMENDATIONS

AGENDA ITEM 13:

RECOMMENDATION:

That OAH put together a panel of self-represented parents to solicit input to improve the due process system for unrepresented parties.

RESPONSE TO AGENDA ITEM 13:

OAH believes that additional input by parents on OAH processes can be provided at the Advisory Committee meetings or in correspondence directly to OAH.

AGENDA ITEM 14:

RECOMMENDATION:

That OAH's interactive dashboard lists all of the school districts in California in the drop-down menu so families can search cases by school districts.

RESPONSE TO AGENDA ITEM 14:

OAH will research if this can be accomplished on the website and report back at the next Advisory Committee meeting.

AGENDA ITEM 15:

RECOMMENDATION:

That OAH update the dashboard to reflect more current information.

RESPONSE TO AGENDA ITEM 15:

OAH strives to keep the information in its dashboard and reports up to date.

AGENDA ITEM 16:

RECOMMENDATION:

That OAH begin the meeting by outlining the purpose of the committee in terms of what the committee can advise on.

RESPONSE TO AGENDA ITEM 16:

The agenda for each Advisory Committee meeting contains a statement of the mission of the Advisory Committee, which describes the matters that the Advisory Committee can advise on.

AGENDA ITEM 18.A.:

RECOMMENDATION:

That OAH post all orders on its website accessible to the public. Alternatively, if OAH posts an order in a specific case, it should post all the orders issued in that case.

RESPONSE TO AGENDA ITEM 18.A.:

OAH posts and will continue to post a representative sample of orders for the most filed motions. OAH will continue to review its orders for orders that OAH deems of sufficient importance to post.

AGENDA ITEM 18.C.:

RECOMMENDATION:

Upon request to an OAH clerk assigned to a case, without having to file a PRA request, the OAH shall provide a party with the order or decision requested.

RESPONSE TO AGENDA ITEM 18.C.:

Parties may make a written request to the Case Manager that OAH provided the listed OAH orders cited in a motion. OAH will strive to provide the requested orders by the end of the next business day.

AGENDA ITEM 18.D.:

RECOMMENDATION:

That in the event a party requests a decision or order from OAH pursuant to Recommendation 18.c., the requesting party shall be provided an additional three days from the issuance of the requested document to file a responsive pleading.

RESPONSE TO AGENDA ITEM 18.D.:

Parties may file a written request with OAH to request additional time to file a responsive pleading to a motion.

AGENDA ITEM 18.E.:

RECOMMENDATION:

That OAH make available on its website all settlements by decision.

RESPONSE TO AGENDA ITEM 18.E.:

OAH will post Settlements by Decision on its web page.

AGENDA ITEM 19.A.:

RECOMMENDATION:

That OAH put on its form an explanation of the timelines for issuing a subpoena duces tecum.

RESPONSE TO AGENDA ITEM 19.A.:

The Subpoena Duces Tecum form contains the needed information when to serve a subpoena.

AGENDA ITEM 19.B.:

RECOMMENDATION:

That the OAH subpoena duces tecum form specify any requirements on how subpoenas duces tecum must be served by mail.

RESPONSE TO AGENDA ITEM 19.B.:

The service requirements of Government Code section 11450.20, do not apply to pursuant to California Code of Regulations, title 5, section 3089.

AGENDA ITEM 19.D.:

RECOMMENDATION:

That the OAH place a copy of its subpoena duces tecum form, including instructions, in its scheduling packet to make parents aware of their rights.

RESPONSE TO AGENDA ITEM 19.D.:

Like information about subpoenas to obtain witness testimony, OAH will include information about subpoena duces tecums to obtain evidence for hearing and how to obtain one in the scheduling order.

AGENDA ITEM 23:

RECOMMENDATION:

A joint second request for mediation shall be granted and constitute good cause to continue hearing dates, if needed. OAH shall make best efforts to assign the mediator jointly requested by the parties.

RESPONSE TO AGENDA ITEM 23:

OAH ALJs will maintain their authority to determine good cause. As stated in the Advisory Committee Meeting, OAH does attempt to assign the same mediator, however operational needs do not always permit this to occur.

AGENDA ITEM 24:

RECOMMENDATION:

That OAH write the Advisory Committee agenda defining legal terms and processes using language that is understandable by the general public.

RESPONSE TO AGENDA ITEM 24:

If an Advisory Committee agenda item contains legal terms or processes, OAH will explain the legal term or process when introducing the agenda item at the Advisory Committee meeting.