

**TRANSCRIPTION OF RECORDED MEETING
OF
SPECIAL EDUCATION DIVISION
ADVISORY COMMITTEE MEETING
OCTOBER 20, 2023**

BOARD MEMBERS PRESENT:

Kathleen Anderson

Daniel Shaw

Jessica Little

Mindy Luby

Marianne Grosner

Kimberlee O'Maley

Julie Lewin

Joshua Walden

Sue Singh

OAH STAFF PRESENT:

Peter Paul Castillo

Laurie Crom

Claire Yazigi

SPANISH INTERPRETER:

Brenda Tamez

TRANSCRIBED BY:

Michelle Jones, NCCR, Sacramento, California

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

OCTOBER 20TH, 2023

DIVISION CHIEF CASTILLO:

And we may start the recording. And if you can turn on closed captioning.

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

Closed captioning is on.

DIVISION CHIEF CASTILLO:

Okay. Closed captioning is on and the recording has started. This meeting is being electronically recorded. And at the end of the Advisory Committee meeting, we'll send out the recording for transcription, and then the transcription will be posted on our website.

We do have a Spanish language interpreter, Brenda Tamez, and if we can please turn on the interpretation feature. Okay. We'll be doing consecutive translations while I explain how the Spanish language translation process will work in the Zoom webinar.

For attendees that would like to listen to the preceding interpreted into Spanish, we have turned on the interpretation function, which is at the bottom of your screen, a little globe that says interpretation.

When this feature is turned on, you will see the globe labeled interpretation. You will need to click that button and select the language in which you want to listen to the meeting.

So for all the attendees here today who want to listen to the meeting in English, it's important right now that you select English; and this will help with the transcription of our recording because it'll be going into the proper channel once we start the translation.

So let me start this over again because I forgot Ms. Tamez. Got it.

For people who would want to listen to this meeting in Spanish, at the bottom of your screen, you will see a button, if you move your mouse to the bottom. It looks like a globe and it will say interpretation. You will need to click that button, and you will need to choose the Spanish language if you want to listen in Spanish. The interpreter will only be broadcasting their voice into that channel.

If you have not selected the Spanish language channel, you will not be able to hear the interpreter translate; except for instances where they may be interpreting a comment made by a Spanish language speaker into English. At that time, the interpreter will be speaking into the English channel.

It's important for the persons who want to listen to this webinar in English to choose the English button. This also applies to the attendees and other members of the public. If you want to listen in Spanish, please choose the Spanish button, and if you want to listen to this webinar in English, please choose the English button. This will help make a clearer recording and will assist during the transcription of this meeting.

Okay. Ms. Tamez, at this time -- are there any questions from the committee members or members of the public regarding the translation feature?

And while we have -- when we start the simultaneous translation, I will just ask members of the committee and members of the public to please speak slowly to assist the interpreter, and if the interpreter is having issues, she will contact us.

And we do have one question from --

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

We have one (inaudible) --

DIVISION CHIEF CASTILLO:

-- well, this person. Does the person still, Irvine Abused Parent, still have a question? If you do, please raise your hand.

UNKNOWN SPEAKER:

I'm sorry. Can you --

DIVISION CHIEF CASTILLO:

Can you unmute yourself?

IRVINE ABUSED PARENT:

Oh, hi. Okay. Thank you. This is Irvine Abused Parent. I would just -- I couldn't find the button you were talking about. I guess it was the globe down at the bottom and everybody needs to do -- choose a button, whether English or Spanish; is that correct?

DIVISION CHIEF CASTILLO:

Correct.

IRVINE ABUSED PARENT:

Okay. Thank you.

DIVISION CHIEF CASTILLO:

Okay. Yes, please.

INTERPRETER TAMEZ:

[In Spanish]

DIVISION CHIEF CASTILLO:

Okay. Ms. Tamez, if you can go into the appropriate room and we'll start simultaneous translation.

INTERPRETER TAMEZ:

Yes, sir.

DIVISION CHIEF CASTILLO:

And regarding public comments for today's meeting, public comment can be provided verbally or in writing during the Advisory Committee meeting.

For verbal comment, the person should -- from the public, the person should raise their hand feature on their Zoom control, or if you're participating by telephone, press Star-9. The moderator will then allow you to unmute yourself. You'll need to unmute yourself by using the button on your meeting controls, or pressing Star-6 if you're on a telephone. You'll have three minutes to provide your verbal comment. The moderator will notify you when your three minutes has passed and you'll be muted again.

To provide public comment in writing, please email to

seacomments@dgs.ca.gov.

You will need to clearly identify the agenda item to which your comment relates to. Then, your comment will be read out loud by the moderator during the public comment portion of that agenda item.

If your comment does not clearly identify the related agenda item, your comment will be read during the general comment portion at the end of the meeting. The reading of the email shall be limited to three minutes in length.

If you want additional information on the instructions, they're available on our webpage and in the Advisory Committee section.

The Mission of the Advisory Committee is a committee composed of parents, attorneys, advocates, school employees, and other stakeholders, a majority of whom are parents and advocates or attorneys for parents and students.

The Advisory Committee provides non-binding recommendations regarding revisions to OAH's website, forms, documents, procedures, and policies as provided within the regulatory mandate establishing the Advisory Committee.

I'd like to welcome everyone to the October 20, 2023 Advisory Committee meeting. I'd like to thank those attending who are members of the Northern and Southern California Committee. We do have a quorum in both Northern and Southern California.

I'd like to thank the members of the public who are attending today's Advisory Committee meeting. The work from the committee members and the participation of the public are very important for the Office of Administrative Hearings to carry out its job duties.

My name, again, is Peter Paul Castillo. I'm Division Chief Administrative Law Judge for the Office of Administrative Hearings, Special Education Division. I would like to do some introductions.

First, Zackery Morazzini, who is our Director of Office of Administrative Hearings.

DIRECTOR MORAZZINI:

Thank you. Good morning.

DIVISION CHIEF CASTILLO:

Okay.

Bob Varma, Deputy Director and Assistant Administrative Law Judge.

DEPUTY DIRECTOR VARMA:

Good morning, everybody.

DIVISION CHIEF CASTILLO:

Okay.

As determined, there is a quorum from both North and South. Each member of the committee will have an opportunity to speak on every issue. If a recommendation is made, each committee will vote whether they would like OAH to consider the

recommendation. A majority yes vote from either committee or both committees will result in OAH considering the recommendation and then issuing, subsequently, a response to the recommendation, which will be in writing and will be sent to individuals on our listserv and posted on our webpage.

For the Advisory Committee members, I will introduce you in a moment and ask you just to get briefly and give yourself an introduction.

During the committee member meeting, if you'd like to be recognized to speak, I'd like the committee members to please use the raise hand function on the bottom of your screen, and then I will call upon you. If you have trouble with that button working, just raise your hand, and then I will call upon you.

I'm asking all committee members to please keep yourself on mute unless you are commenting or trying to get my attention because your raise hand button is not working.

If a recommendation is made, after discussion of an agenda item by committee members and members of the public, I will have further -- there will be further discussions about the recommendation by members of the committee and by the public; and then we will take a voice vote if the recommendation has been seconded.

Then, I will be doing a roll call and we'll be taking roll and report the vote at the end of that. If it passes by the majority of the committee members present, we will issue a response to that recommendation.

As I indicated, this meeting is being recorded electronically and, at the end, we'll be sending out the recording for transcription and posting that transcription on our website.

I've indicated that we will -- after each agenda item, I will be asking for committee comments first on the agenda item, discussion by the committee member who proposed the agenda item, and then a public comment in response to a prior acceptance of a recommendation in the past.

If there is a legal term or specific policy involved in the agenda item, I will explain that for members of the public so they would understand more about what is being discussed and have an idea of what it is, because sometimes in these things, for the lack of a better term, it's "inside baseball" that people who practice this area know the terms and lingo and members of the public don't. And so we've been asked to please explain those legal terms and policies, so the members of the public, who are attending, have a better idea of what's being discussed here today.

Are there any questions from the committee members about today's process?
Okay.

I'm going to be taking roll here today as to the attendees and, please, say here and just introduce yourself.

Jessica Castellanos? Ms. Castellanos is not present.

Daniel Shaw?

MEMBER SHAW:

Present. Parent attorney, Northern California.

DIVISION CHIEF CASTILLO:

Jessica Little?

MEMBER LITTLE:

Here. SELPA director in Northern California.

DIVISION CHIEF CASTILLO:

Kathleen Anderson?

MEMBER ANDERSON:

Good morning, Kathleen Anderson. I'm an attorney who represents school districts and local educational agencies. I also am the parent of a special needs child and a former special education teacher.

DIVISION CHIEF CASTILLO:

Mindy Luby?

MEMBER LUBY:

Present. I am a parent of three children with disabilities and I'm a non-attorney special education advocate.

DIVISION CHIEF CASTILLO:

Nicholas Lutton?. Mr. Lutton is not present.

We have four members of the Northern California Committee present here today and a quorum is reached.

For Southern California, Aileen Herlinda Sandoval? Ms. Sandoval is not present.

Marianne Grosner?

MEMBER GROSNER:

Good morning, present. I am a parent of two children with disabilities representing Southern California. Thank you.

DIVISION CHIEF CASTILLO:

Kimberlee O'Maley?

MEMBER O'MALEY:

Hi, I'm Kimberlee O'Maley, Southern California's newest member. I am the parent -- I am a parent of a child with disabilities and also an attorney.

DIVISION CHIEF CASTILLO:

Joshua Walden?

MEMBER WALDEN:

Good morning, everyone. My name is Joshua Walden. I'm an attorney representing school districts and local educational agencies, and I'm out of Southern California.

DIVISION CHIEF CASTILLO:

Julie Lewin?

MEMBER LEWIN:

Good morning, Julie Lewin. I am a parent of a school freshman in the (audio cut out).

DIVISION CHIEF CASTILLO:

Sue Singh?

MEMBER SINGH:

Good morning, everyone. Sue Singh representing Southern California as a SELPA administrator.

DIVISION CHIEF CASTILLO:

Okay. We have a quorum in the Southern California committee with five members in attendance.

And we would like to introduce OAH staff as presented. Claire Yazigi, who will be recording the votes today, and you may hear her discuss today questions regarding recommendations. She'll be writing down the recommendations. So she may be asking follow up questions and making sure that the recommendations that the party -- that the participants are making is properly transcribed and we get it correct.

Also present is presiding Administrative Law Judge Joy Redmon. Also present is presiding Administrative Law Judge Margaret Gibson. Present is presiding Administrative Law Judge Tara Doss.

And we'd like to -- and also present is Office of Administrative Staff Anna Brown, who will be designated as the host of this meeting and will be working with the attendees and working with them to have them be able to speak during today's presentation.

Operations staff member, Laurie Crom, who will be reading any of the email comments that we have received and Trinity Dorantes, who will be monitoring this webinar and making sure that it's operating properly and the recordings and the interpretation and the closed captioning features.

From the last meeting, we've hired two new administrative law judges, and I would like them to turn on their cameras and I'll introduce them. And just if you can turn on your mics and say hello after I introduce you.

Thanayi Lindsey?

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

Excuse me. I don't think that they have the ability to turn on their cameras or their video.

DIVISION CHIEF CASTILLO:

All right. Actually, they are -- they're panelists, so they should.

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

Okay.

ALJ LINDSEY:

Okay. Hello, everyone.

DIVISION CHIEF CASTILLO:

Okay. And --

ALJ PATHI:

Good morning, everyone.

DIVISION CHIEF CASTILLO:

-- Ashok Pathi.

ALJ PATHI:

Sorry, I jumped the gun there. Good morning, everyone.

DIVISION CHIEF CASTILLO:

Okay. Thank you.

And our two new staff members, Vanessa Munoz, who is a new case manager, and Robyn Sturgis-Myers, who will be handling phone calls and our electronic filing system.

Just a reminder to OAH employees to please turn off your cameras if you're staying for the rest of the meeting.

Between now and the next Advisory Committee meeting, the following members' terms will expire: Members Shaw, Little, Anderson, Luby, Lutton, Sandoval, Grosner, Walden and Lewin. We'll be opening up, at the beginning of next year, the application process. You may go on our website, under the Advisory Committee, to look at the application process; the application and what OAH requires to be submitted.

We'll be sending out an announcement on our listserv in the beginning of the year that states that the application period is open and when the closing date is. Soon thereafter, we'll select committee members and send out announcements to them.

The process in the past with OAH has been is that committee members can serve two terms; then, they can sit out a two-year period and then reapply.

Members, if this is your first term, if you so desire, you may apply again at the beginning of the new year.

Are there any questions from members of the committee about the application process and the terms?

Expectation of members. Members are expected to attend every meeting. The meetings will be held on the third Friday of June and the third Friday of October every year. If a member is not able to attend, please notify OAH as soon as possible that they cannot attend the meeting. If a member misses two meetings, they may be removed from being an Advisory Committee member and OAH will start the application process again.

And in the -- we did have one resignation between the last meeting and the present, and Kimberlee O'Maley is our newest committee member. Her term will run from September 2023 through September 2025.

I encourage all members of the committee and all members of the public to participate in the process. Your opinions and recommendations are very important to the Office of Administrative Hearings for us to carry out our job duties and functions in order to properly serve California students, parents and school districts.

This Advisory Committee follows the Open Meeting Act. Yes, there have been multiple emails due to law changes that have occurred this year; and this year, because of urgency legislation, allowed to hold this meeting fully virtually this year. There's a lot of changes that will impact the June meeting and forward. I will be sending out

and posting how those meetings will proceed at the beginning of the year after analyzing the applicable statutes and seeing what changes need to be implemented so the OAH is in compliance with the Open Meetings Act.

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

My requirement for me is to make sure that I hear all comments that are made by members of the committee and all members of the public and making sure that all votes here are voice votes. And, please, have your cameras on during the voice voting process.

Additionally, for the committee members, when it is time, if you are called upon and discussing an agenda item that you propose or making a public comment or recommendation, please have your camera on at that time.

Because of the turnover between now and the June meeting, we will not be selecting a chair of those committee members -- I mean those sections at this time. At the beginning of the June meeting, we will select a chair at that time for the North and the South.

And, for the collection of the agenda items, once the committee members are selected towards the beginning of the year, an email will be sent out as to the committee member who would like to collect the agenda items for the June meeting and the timeframes involved in that for the agenda items.

Moving to Agenda Item 12, the Office of Administrative Hearing's responses to the June 2023 meeting recommendations can be located on our website. We have provided responses to all the recommendations that were made at the last meeting.

Moving, now, on to Agenda Item 13 proposed recommendation. The agenda item, the proposed recommendation, is that OAH reinstate the process of providing mediation and due process participants with evaluation forms after a mediation or due process hearing. This was submitted by Committee Member Shaw.

Before I ask you to discuss this, Mr. Shaw, to give members of the public a little background. OAH's contract with the California Department of Education requires OAH to provide mediation and due process hearing participants with evaluation forms with questions aimed at assessing OAH's timeliness and effectiveness during the mediations and due process hearings.

Mr. Shaw?

MEMBER SHAW:

Sure. Thank you, Judge Castillo.

For clarification, is it my understanding that I think sometime in July we started to see the mediation surveys are embedded in the mediation link?

DIVISION CHIEF CASTILLO:

Correct. Starting in July of this year, the link for people to complete the mediation surveys are embedded in the Evite. So everyone who is invited to the mediation will get a link.

And during this first quarter, we've gotten 42 responses to the surveys. To give an example, in the fourth quarter of last year, I think we only received two or three survey responses. So we're now at 42.

For due process hearings, the process still remains the same. When OAH sends the decision out to all the participants, when they get the copy of the due process hearing, there is information in the accompanying documents with the decision instructing people, here is a link and how to do that.

We mail and also do some by our secure file transfer system. So you would have a digital copy and then can click, from the digital copy, the link and complete the hearing survey. So that process remains the same.

MEMBER SHAW:

Thank you. So I think -- the feedback I was getting, I think this proposal was made prior to July and seeing those surveys embedded in the mediation request. I wasn't quite sure how they were being done with respect to the hearings.

But, perhaps, I can modify this recommendation because I think the feedback I've kind of gotten is people are missing that link at the bottom. And perhaps I can reframe this recommendation to require mediators and hearing judges to remind participants of the evaluation forms at mediation or at the end of a due process hearing.

DIVISION CHIEF CASTILLO:

Okay. So why don't we have a discussion on this and then after we have the discussion, I'll ask if you want to -- you all have a chance to make a recommendation, and you may have a full opportunity to reframe a recommendation.

Indeed the recommendation for any agenda item, as proposed by any committee member, so it need not be Mr. Shaw that proposes a recommendation as to this agenda item. Indeed not exactly follow what's in -- what is listed there.

It's been the experience that we've had is that during the discussion from committee members and members of the public, information is obtained that leads to tweaking to better reflect what the committee member or members would like to be in the recommendation.

Is there any other discussion on this agenda item from any other member of the committee?

Ms. Luby?

MEMBER LUBY:

Thank you, Judge Castillo.

So you had mentioned that there were 42 responses at the most recent collection. Is there -- is that -- is there a number for 42 responses out of how many invites that went out or how many could have been collected or is there a percentage data or a point or anything that we could utilize for reference?

DIVISION CHIEF CASTILLO:

I would have to go look at our stats. We keep quarterly stats on the number of mediations held and we're just starting the process to do our first quarter statistics.

But I would say it, it would be probably similar if you go onto our fourth quarter report for last fiscal year. That will actually include all the number of mediations. We break it down by quarter. So I would make the assumption that the Q1 for last fiscal year is pretty similar to the Q1 of this fiscal year.

So without me opening it up and getting out of here, I can't tell you off the top of my head. But the numbers are in our quarterly reports -- of the numbers of mediations requested and the numbers of mediations held for any given quarter.

Ms. O'Maley?

MEMBER O'MALEY:

Yes. My question is that I know that a number of people have trouble with the secure file transfer. So if that's the only way after due process, they can return their -- any kind of appraisal or opinions or fill out an evaluation form, that they have trouble doing that.

DIVISION CHIEF CASTILLO:

For the survey forms that would be done, there's a link and you were taken to a webpage where you submit your responses anonymously. We don't ask for the case number or for any identifying information. There's nothing stopping a person from printing that, completing the survey, and then mailing it in by U.S. mail.

So for any electronic documents, yes, we do require submission of those, because of containing personally identifiable information, to be sent through our secure file transfer system. But we have always maintained that anything can be sent to the Office of Administrative Hearings in our Sacramento office by U.S. mail.

So any filing of due process hearing requests, motions, returns of surveys, complaints, I mean I'm talking generally just a complaint that somebody may have against one of our administrative law judges or mediators, those may be sent to us by U.S. mail.

MEMBER O'MALEY:

Okay. Just so that's made clear because I thought I heard you say that they have to do it at the end through a link that's at the end of the due process record -- that they have to do it through a secure file transfer. I know a number of people that --

DIVISION CHIEF CASTILLO:

Oh, no. Actually, we send the document --

MEMBER O'MALEY:

Okay.

DIVISION CHIEF CASTILLO:

-- to people and they can open it up. So for people that can open up the documents, they will see one of the attachments and they'll see a link that they can click and they'll be taken to a webpage where they can complete it.

I think there's instructions on there. I'll make sure. But if people want a copy mailed to them, we can print that and mail them the survey and they can mail it back to us.

MEMBER O'MALEY:

I think that would be helpful. Thank you.

DIVISION CHIEF CASTILLO:

Okay.

Any other questions or comments from members of the committee?

And then we have from the public attendees, Irvine Abused Parent; if that person may be invited in.

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

Hi, Attendee Irvine Abused Parent. I will now be allowing you to unmute yourself. You have three minutes to proceed. Please proceed.

IRVINE ABUSED PARENT:

Hi. I guess we're just discussing this agenda item, correct? So I guess I have a question about it.

When you say that the link goes to a website, so that really isn't going to the secure server? That's just going to a website where they can input information on the evaluation. If I'm understanding that correctly?

So I guess I'd like clarification on whether it's really the evaluation link is going to the secure file system or if it's just going to a website that anybody has access to, whether or not they have signed up for the secure file.

And, then also, and maybe this is for Mr. Shaw to include in the recommendation, that all of the results from these mediation and due process surveys are posted on the OAH website. I think that one of the reasons, I mean, I think the entire reason, for even

doing a survey or an evaluation after these proceedings is to understand how OAH is handling these issues. And I think that that would be very helpful for parents as well as school districts to actually see the results.

Thank you.

DIVISION CHIEF CASTILLO:

Are there any other questions from members of the public or comments from members of the public?

Mr. Shaw, would you like to make a recommendation? Or any member of the committee on this agenda item?

MEMBER SHAW:

Yeah, I would. Before I do, I've admittedly been guilty of not filling these things out as routinely as I should, I will, you know, encourage my colleagues and parents and anyone participating in the process to fill these out.

I know in the past, when I first started practicing, we would get a separate email, so it was a nice reminder, and I would fill them out routinely, particularly after hearings and try to put a lot of thought into them.

To address the comment from the public. I understand what you're saying, but having filled these out several times, I would prefer any of my feedback to go directly to the OAH and not be provided publicly for a number of reasons that I'm happy to discuss at a different time.

But, at this time, my recommendation -- because I think the issue is the link is embedded in an email that you get prior to mediation and folks are forgetting to go back to that email and then utilize the link.

So the recommendation would be to require mediators and hearing judges to remind participants of the evaluation forms at the mediation or at the end of the due process hearing.

DIVISION CHIEF CASTILLO:

Judge Yazigi?

JUDGE YAZIGI:

Yes. Okay. I'm trying to follow along. The recommendation is that OAH ALJs remind participants of the OAH ALJ survey form at each mediation and at the conclusion of each hearing.

Have I captured that, Committee Member Shaw, accurately?

MEMBER SHAW:

Yes, you have. I think the one tweak would be to include pro tems.

JUDGE YAZIGI:

Okay. So that's OAH ALJs and pro tems remind participants of OAH ALJ/pro tem survey form at each mediation and the conclusion of each hearing sounds accurate.

MEMBER SHAW:

Sounds accurate. Thank you.

JUDGE YAZIGI:

Of course.

DIVISION CHIEF CASTILLO:

Would any committee member like to second Mr. Shaw's recommendation?

Ms. Luby?

MEMBER LUBY:

I second.

DIVISION CHIEF CASTILLO:

Okay. We have a second. And we will take a vote and I'll start first with Northern California, then I'll move to Southern California on the recommendation for Agenda Item 13.

Mr. Shaw?

MEMBER SHAW:

Yes.

DIVISION CHIEF CASTILLO:

Jessica Little?

MEMBER LITTLE:

Yes.

DIVISION CHIEF CASTILLO:

Kathleen Anderson?

MEMBER ANDERSON:

Yes.

DIVISION CHIEF CASTILLO:

Mindy Luby?

MEMBER LUBY:

Yes.

DIVISION CHIEF CASTILLO:

Okay. And moving to Southern California.

Marianne Grosner?

MEMBER GROSNER:

Yes.

DIVISION CHIEF CASTILLO:

Julie Lewin?

MEMBER LEWIN:

Yes.

DIVISION CHIEF CASTILLO:

Kimberlee O'Maley?

MEMBER O'MALEY:

Yes.

DIVISION CHIEF CASTILLO:

Yes for Ms. O'Maley.

Joshua Walden?

MEMBER WALDEN:

Yes.

DIVISION CHIEF CASTILLO:

Sue Singh?

MEMBER SINGH:

Yes.

DIVISION CHIEF CASTILLO:

Okay. Pass unanimously by both committees. OAH will be issuing a response for this recommendation.

Agenda Item 14 is recommendation that OAH create a policy and procedures that that addresses the need for attorney and participants accommodations with respect to accessing due process hearings so that the parties know, in advance of the hearing,

the name of the agency providing the service and OAH convening Prehearing Conference to ensure the technology and/or interpreting services are adequate and functional.

And just to give an oversight. Federal and State law and OAH's contract with the California Department of Education requires OAH to provide foreign language interpretation services to any participant, parent, student, or witness in a matter and provide reasonable accommodations to mediation and hearing participants, whether or not they're parties or witnesses, et cetera, in these matters.

Reasonable accommodations may include turning on computer-generated closed captioning, provided human-generated real-time transcription services, also known as CART, and American Sign Language interpretation and other sign language interpretation features.

Mr. Shaw, this was your agenda item if you'd like to discuss.

MEMBER SHAW:

Thank you. So this is based off of feedback from colleagues about issues that arise with respect to accessing interpretation -- or I apologize -- accommodations or interpretations through virtual -- interpreting through virtual hearings and technological issues that can arise or even the quality of the interpretation services.

And it's usually, you know, at the onset of the hearing that is where it's the first opportunity for parties to try to utilize the technology, the accommodations, and the interpretation services, which often, if it's not working right, can delay the proceeding and kind of create some problems. I know I had a very challenging case with respect to ASL interpretation.

I've reworded this somewhat to make more sense because I'm not sure what I proposed was well thought out. So what I've written down here is recommending that OAH create a policy and procedure to ensure that at the Prehearing Conference the accommodations and interpreting services are adequate, functional, and accessible by all parties, so long as the OAH is timely notified of the need for the accommodations and/or interpretation services.

So my thought process was if we're getting together in a Prehearing Conference, you know a week or so before a due process hearing, that's a good time to test the technology to make sure our clients can access accommodations, interpretation services, et cetera.

DIVISION CHIEF CASTILLO:

Would any other member of the committee like to discuss?

Any members of the public have any comment they would like to make on this Agenda Item 14?

STAFF SERVICE MANAGER CROM:

There are no members of the public that have raised their hand.

DIVISION CHIEF CASTILLO:

Any emails?

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

There are none at this time.

DIVISION CHIEF CASTILLO:

Okay.

Mr. Shaw, could you repeat the recommendation you would like to make for Judge Yazigi? Then, afterwards, if you can, Judge Yazigi, if you have any questions.

JUDGE YAZIGI:

If I may interject, Mr. Shaw, can you speak very slowly or take pauses because this is a lengthy recommendation?

MEMBER SHAW:

Absolutely.

JUDGE YAZIGI:

Thank you.

MEMBER SHAW:

So the recommendation is that the OAH create a policy and/or a procedure to ensure that at the Prehearing Conference the accommodations and/or interpreting services are adequate, functional, and accessible by all parties, so long as the OAH is timely notified of the need for the accommodations and/or interpretation services.

DIVISION CHIEF CASTILLO:

Judge Yazigi, do you have that?

JUDGE YAZIGI:

I'm going to ask if, Mr. Shaw, you can repeat everything after adequate, functional, please.

MEMBER SHAW:

And accessible by all parties ,so long as the OAH is timely notified of the need for an and/or interpreting service.

JUDGE YAZIGI:

Got it. Thank you.

Would you like me to repeat, Judge Castillo?

DIVISION CHIEF CASTILLO:

Yes. Can you please repeat? Then, after you repeat, if any member or -- any other member of the committee would like to second it.

So, Judge Yazigi?

JUDGE YAZIGI:

Okay. That OAH create a policy or procedure to ensure that at Prehearing Conference, any accommodation or interpretation are adequate, functional, and accessible by all parties, so long as OEH is timely notified of the need for such accommodation or interpretation.

Mr. Shaw, how did I do?

MEMBER SHAW:

That sounds great, Your Honor.

DIVISION CHIEF CASTILLO:

Okay. Would any committee -- other committee member like to second Mr. Shaw's recommendation on Agenda Item 14?

Ms. Luby?

MEMBER LUBY:

I second.

DIVISION CHIEF CASTILLO:

Okay. We have a second.

Is there any further questions by members of the committee on this recommendation?

Any questions or comments by members of the public on the proposed recommendation -- oh, Ms. O'Maley? I'm sorry. You're muted, Ms. O'Maley.

MEMBER O'MALEY:

The only thing I think is vague there is timely notified. That might be defined as timely notified that OAH is timely notified.

DIVISION CHIEF CASTILLO:

Mr. Shaw, would you like to make any change?

MEMBER SHAW:

The vagueness was somewhat intentional, not knowing the infrastructure of the OAH or how much notification they would require to have those resources available at the Prehearing Conference.

So I was hoping, in their response, should they accept the recommendation, they would be able to let us know what timeliness looks like.

DIVISION CHIEF CASTILLO:

Any other comment or question on this recommendation by members of the committee?

Ms. O'Maley?

MEMBER O'MALEY:

I don't mean to beat a dead horse, but do any of the judges here know what the timeliness would be for that? For notifying OAH of a need for an accommodation or interpretation services.

DIVISION CHIEF CASTILLO:

A lot depends on the service being requested and the timeframe for us to get the service provider. For some foreign language, we have a master contract with a company to provide foreign language transcriptions. We just obtained a master contract for American Sign Language for video matters, mediations, and hearings to have an American Sign Language interpretation, video interpretation.

We do not have a master contract for CART services or real-time transcription services. We go and do a single event -- not event, I mean like the matter for a certain

period of time contract for CART services if a person, attorney, et cetera, requests real-time transcription for a mediation or hearing. Then, we have to go do a single-source contract for that; and a lot just depends on the timeliness of getting those processed as single-source.

For the ones that we have a master contract with, we just follow our normal procedures with the vendor and make the request out.

Ms. O'Maley?

MEMBER O'MALEY:

Well, would a week before -- when the Pretrial (sic) Conference happens, would a week before be reasonable for OAH to have those services in place for the Pretrial Conference, which Mr. Shaw is suggesting? Would that be a reasonable time to have those in place?

DIVISION CHIEF CASTILLO:

At this moment, I can't give an answer. It would be something I would need to research further in response to the recommendation as proposed.

MEMBER O'MALEY:

I think it's an important matter because that way it doesn't hold up hearings and doesn't shut anyone out at the beginning of a hearing.

Thank you.

DIVISION CHIEF CASTILLO:

Any other comment or question by a committee member?

Any comment or question by a member of the public attending today's meeting?

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

There are no hands raised on this matter by the public and there are no emails at this time.

DIVISION CHIEF CASTILLO:

Okay.

We'll be taking a vote on the proposed recommendation for Agenda Item 14 and I will start, again, in Northern California.

Daniel Shaw?

MEMBER SHAW:

Yes.

DIVISION CHIEF CASTILLO:

Jessica Little?

MEMBER LITTLE:

Yes.

DIVISION CHIEF CASTILLO:

Kathleen Anderson?

MEMBER ANDERSON:

Yes.

DIVISION CHIEF CASTILLO:

Mindy Luby?

MEMBER LUBY:

Yes.

DIVISION CHIEF CASTILLO:

For Southern California, Marianne Grosner?

MEMBER GROSNER:

Yes.

DIVISION CHIEF CASTILLO:

Julie Lewin?

MEMBER LEWIN:

Yes.

DIVISION CHIEF CASTILLO:

Kimberlee O'Maley?

MEMBER O'MALEY:

Yes.

DIVISION CHIEF CASTILLO:

Joshua Walden?

MEMBER WALDEN:

Yes.

DIVISION CHIEF CASTILLO:

Sue Singh?

MEMBER SINGH:

Yes.

DIVISION CHIEF CASTILLO:

Okay. It is passed unanimously by the North and South committees and OAH will be issuing a response to the recommendation for Agenda Item 14.

Agenda Item 15. Recommendation that OAH posts on its website the entities it contracts with to provide interpreting services.

Mr. Shaw?

MEMBER SHAW:

Again, this was feedback I got from community participants. And so the recommendation, straightforward, is that OAH posts on its website the entities that it uses -- the entities it contracts with to provide interpreting services.

DIVISION CHIEF CASTILLO:

And I indicated in the discussion in the prior agenda item how the contracts that OAH has or how it obtains services for events in which it does not have a master contract with.

Are there any comments or questions by members of the committee?

Committee Member O'Maley?

MEMBER O'MALEY:

You do -- you did say you have one master contract for interpreting services; can that be -- can that be noted who that is? Since you do have that one master contract in place.

DIVISION CHIEF CASTILLO:

I think that is the recommendation that Mr. Shaw is putting forward and then the OAH will respond to that recommendation. Then, if the decision is to post the name, we'll post the name of that.

Any other comments or questions from members of the committee on Agenda Item 15?

Any member of the public wish to comment wish to comment or question on Agenda Item 15?

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

There are no hands raised by members of the public on this matter at this time and there are no emails at this time.

DIVISION CHIEF CASTILLO:

So regarding Agenda Item 15, Mr. Shaw, what is in the agenda item is that your proposed recommendation or is there any changes to it?

MEMBER SHAW:

No changes, Your Honor.

DIVISION CHIEF CASTILLO:

Okay.

Would any -- the recommendation being that OAH posts on its website the entities it contracts with to provide interpreting services.

Would any committee member like to second this?

Ms. Grosner?

MEMBER GROSNER:

Your Honor, I would like to second this.

DIVISION CHIEF CASTILLO:

Okay. We have a second.

Any comments from members or questions from members of the committee as to this proposed recommendation?

The same -- any comments or questions from the members of the public regarding the recommendation that OAH post on its website the entities it contracts with to provide interpreting services?

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

There are none at this time and no emails.

DIVISION CHIEF CASTILLO:

Okay.

At this time, we'll take a vote on Agenda Item 15. Daniel Shaw?

MEMBER SHAW:

Yes.

DIVISION CHIEF CASTILLO:

Jessica Little?

MEMBER LITTLE:

Yes.

DIVISION CHIEF CASTILLO:

Kathleen Anderson?

MEMBER ANDERSON:

Yes.

DIVISION CHIEF CASTILLO:

Mindy Luby?

MEMBER LUBY:

Yes.

DIVISION CHIEF CASTILLO:

Marianne Grosner?

MEMBER GROSNER:

Yes.

DIVISION CHIEF CASTILLO:

Julie Lewin?

MEMBER LEWIN:

Yes.

DIVISION CHIEF CASTILLO:

Kimberlee O'Maley?

MEMBER O'MALEY:

(Inaudible)

DIVISION CHIEF CASTILLO:

We didn't hear you, Ms. O'Maley.

MEMBER O'MALEY:

Yes.

DIVISION CHIEF CASTILLO:

Okay.

Joshua Walden?

MEMBER WALDEN:

Yes.

DIVISION CHIEF CASTILLO:

Sue Singh?

MEMBER SINGH:

Yes.

DIVISION CHIEF CASTILLO:

As this is passed unanimously by members of both committees, OAH will issue a response to this recommendation.

Okay, 16. So after we discuss Agenda Item 16, we will be taking 15-minute, or so, morning break and then we'll go on to Agenda Item 17.

So, 16, Agenda Item recommendation upon stipulation of the parties to a due process hearing, the Office of Administrative Hearings will provide an in-person mediation or due process hearing. To address calendaring issues, the stipulation must be filed 15 days prior to the mediation or due process hearing.

Mr. Shaw, would you like to discuss this agenda item?

MEMBER SHAW:

Yes, sir. Thank you.

I think the request is pretty straightforward. I would preface it by saying that I'm a big fan of the virtual hearings, but I understand from colleagues and parents that I've spoken to in the northern part of the state that this is an option that they would like the OAH to consider in the future for various reasons.

I know that I've spoken with ALJs and some are fans of in-person hearings and others prefer the virtual format, but either way, there seems to be a lot of people who strongly feel that if both parties stipulate, or some sort of standard, there should be a process for which there is the ability to conduct an in-person mediation or an in-person hearing.

So I'd like to open it up for discussion and get people's feedback on this.

DIVISION CHIEF CASTILLO:

Any member of the committee have any comments or questions regarding this?

Member O'Maley?

MEMBER O'MALEY:

I think it's the stipulation by both parties. I'm wondering, shouldn't it be by the complaining party? That they should have the right to determine which way they want it. Especially if it's parents.

DIVISION CHIEF CASTILLO:

Mr. Shaw?

MEMBER SHAW:

Yeah. I'm open to reword this in any way that makes people more comfortable or makes more sense.

DIVISION CHIEF CASTILLO:

Member Singh?

MEMBER SINGH:

Thank you, Your Honor.

I'm just curious as to the feedback forms that have been returned since these have been virtual. Is there -- is there some feedback on if parties are satisfied and, you know, what is the feedback, if any, and how is it different from in-person?

DIVISION CHIEF CASTILLO:

The feedback? There's been no difference in the responses for people criticizing a hearing because it's virtual. The criticisms that we've gotten are -- the criticisms are typical; whether or not the judge is fair or not, the process is fair or not.

So the criticisms are the same. What virtual hearings has, and mediations has, permitted the Office of Administrative Hearings to do is basically maximize out the efficiencies of our administrative law judges because we do not travel. So it's permitted us to do mediations on Mondays and Fridays, which we had problems doing before, even then. And the Mondays and Fridays mediations was a request by members of the committee and which OAH adopted several years ago.

Beforehand, if an administrative law judge had a hearing that would begin on Tuesday, and that required significant travel, they would be really not available much on Monday to handle any event, if any, in travel to the event to be ready at 9:00/9:30 a.m. at the school district site. And, then, to be there for the rest of the week, which would then limit any availability for Friday mediation.

Even though we have pro tem mediators for scheduling, we do not -- we do not know their schedules until the end of the month prior. So it's hard to, then, schedule Monday and Friday events because we do not know how many pro tem mediators will be available.

Additionally, the video conference mediations has permitted, for the other days Tuesday, Wednesday, Thursday, more half-day mediations because we do not have travel concerns.

So if a party requests a half-day mediation, in one case is in Orange County and

one case is in Sacramento, it's not -- an ALJ can handle both because they're not traveling. They are just doing the video event and, so, it permits us to maximize our administrative law judges to handle two half-day mediations per day.

For that, we have, parties can make motions if they want to have an in-person event for reasons. We've so far have done one as a reasonable accommodation, granted other requests, and there hasn't been a request in several months for an in-person event.

And for issues involving technology, we do address those at the Prehearing Conferences and have ordered, in several cases, school districts to provide a room for parents to be in and a computer for parents to use for the mediation.

Anything further, Ms. O'Maley?

MEMBER O'MALEY:

(Inaudible) for the ALJ judges, et cetera, I just think that if parents feel it's very important to have it in person, they should still be able to request that. Because if that's how they work better and that's how they're going to be more comfortable, I just feel that if it's the parents and the student, if that works better, they should be able to request that.

Understanding the limitations and what that requires of ALJ judges, we did do this for a long time before, and I understand the efficiency on the ALJ side and I appreciate that.

I just still feel that on the parent side, if they need that in-person, I feel that it should be their right to request that. And I don't think it will be that many. I don't think it will be that many, but I do think some should have the right to request that.

DIVISION CHIEF CASTILLO:

This is what I'm thinking. The statistics, the number of hearings that we've had since moving to video conference mediations, hasn't increased. Our settlement rate is the same. Cases settling out is the same as before.

So I know that was a concern by members of the committee, whether or not cases would settle or not and cases are settling at mediation by the parties, and the represented and self-represented litigants.

Mr. Shaw?

MEMBER SHAW:

I'm wondering, from the OAH's perspective, has there been any impact since we've gone to a virtual format on retention of administrative law judges? Because, you know, this is a really complex area of the law and having turnover is -- you know, it's hard to get people into those roles with all the travel and all that kind of stuff, as well as to get up to speed on special education, which I think is one of the more complex areas of the law out there.

So has there been any, I guess, benefit in that regard?

DIVISION CHIEF CASTILLO:

Since the move to virtual events in the spring of 2020, we've had two retirements; and I can say, knowing those judges, those retirement times were set before pandemic. We haven't had -- and then Judge Tully retired and that led to my promotion. Then Judge Doss, now presiding Judge Doss, filling behind me as presiding judge and then going to fill that position.

But we've been very stable. We, before the pandemic, were probably hiring two to three judges a year. And we've just hired Judge Lindsey and Judge Pathi. Those are our first two new hires since the start of the pandemic.

And we do have a vacancy in Northern California that we've been having trouble filling and that we'll be going out a third time in a month or so to try to fill our Northern California position.

Member Little?

MEMBER LITTLE:

Yes, thank you, Your Honor. I'm wondering -- I think I just heard you say that you did grant an in-person hearing before, so I'm just wondering if there is currently a process where people could request that and how they would know what that process is.

DIVISION CHIEF CASTILLO:

I think there's been questions before. It's just filing a motion to request an in-person hearing and giving the reasons why a party is requesting an in-person hearing.

Member O'Maley?

MEMBER O'MALEY:

I was just wondering (inaudible) the proposal that be upon stipulation of the complaining party as opposed to both parties.

DIVISION CHIEF CASTILLO:

Okay.

Any other comments or questions from members of the committee? Mr. Shaw?

MEMBER SHAW:

I have a question. The standard that OAH uses in determining whether or not to conduct an in-person hearing, is that a good cause standard?

DIVISION CHIEF CASTILLO:

Yeah. There is a good cause. Our regulations from the California Department of Education permits video or telephonic proceedings in, looking at any motion, what is a good cause for an in-person event.

Any other questions or comments from members of the committee?

Seeing none, I do see we have members of the public. I will call first on Education Not Litigation.

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

Attendee Education Not Litigation, you have been requested to unmute yourself. You have three minutes. You may proceed.

EDUCATION NOT LITIGATION:

Thank you so much. And thank you, Ms. Singh, for asking for clarification on this item.

I want to provide some information and feedback on what Mr. Castillo said about the feedback that they have received; that it has been no different. That is completely inaccurate.

I, myself, provided negative feedback on this process at the last OAH Advisory Committee meeting. What Mr. Castillo has mentioned is basically that OAH is making it up as they go along. The fact that members of this committee, which are attorneys from both sides, SELPA directors, advocates, didn't know that OAH had a process for request -- to request an in-person hearing is really problematic.

And this is one of the core issues where nobody knows what OAH is doing with the recommendations of this committee. They just want this committee to check the box that they have a committee here. But ultimately, they're making decisions to reject or accept recommendations in a smoke-filled back room.

The public participation issue with virtual hearings is huge. I, as a parent, was denied my right to have the public attend. The public should be provided the link to these virtual meetings. There's no reason to do that.

And you just heard what Mr. Castillo's priority is because he's part of the Department of General Services, whose mission is to reduce costs for the State of California. They are prioritizing administrative convenience for their agency on the backs of the rights of parents of children with disabilities.

It should be a parent's right. It shouldn't require a stipulation to have an in-person hearing. And just because CDE says virtual and telephonic hearings are allowed, it doesn't mean that that's the default now because it's easier for the OAH judges not to have to travel when they could have local judges like they used to have before.

Remember, COVID happened in 2020. We had in-person hearings before. And for some parents it is very difficult to navigate the whole uploading of the horrific document system that OAH has set up, which typical bureaucracy, it is extremely user unfriendly for parents.

So, come on now, remember who you work for. You work for the people of the State of California. You don't work for yourselves to make life easier for yourselves.

Thank you. And thank you, Ms. O'Maley, for bringing that up.

DIVISION CHIEF CASTILLO:

IEP Mom?

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

I have now unmuted you. Please -- excuse me. I have now allowed you to unmute yourself. Please unmute yourself and you have three minutes to talk. Please proceed.

IEP MOM:

Thank you.

I want to echo what Ms. O'Maley and the previous speaker stated. I'm a parent and I was served due process from the school district. I don't have an attorney. It is very difficult. I have a child that was in ICU fighting for her life while I -- when they found out, they filed against me knowing I was not able to handle all this.

It has been very difficult to try to navigate and communicate with OAH. And to try to upload and use their secure filing system is very time-consuming, and at this point in my life, very challenging because I have so many other things to deal with.

I would like to have an in-person hearing, an in-person mediation, because it's just easier for me right now. But because of the way it's written in the packet of information that I received, which is, I don't know, maybe a hundred pages that I have to read and try to figure out just your policy and your process, I do not have equal access to due process.

And by you saying that there are standards that are beyond my reach, then that even makes it even more disparate and makes it more inequitable for us to have due process.

Never mind that the school has a taxpayer-funded attorney while we have nothing. Now you, OAH, are creating even more barriers for us. We should have equal access. We should be able to request in-person. We are not represented. We don't have the legal expertise. We need to have every opportunity just to try to get to the table.

And so I am requesting that you change that. It should be our right, not for your convenience, but our right to access due process. There are many things wrong with this system. It is completely broken. And this is one of them. We should not need to beg to have in-person due process hearings or mediations.

Thank you.

DIVISION CHIEF CASTILLO:

Thank you. Irvine Abused Parent?

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

Irvine Abused Parent, I have requested that you unmute yourself. You have three minutes.

IRVINE ABUSED PARENT:

Thank you.

I would like to echo some of the previous comments here. And, quite honestly, I am so appalled that we -- that, Judge Castillo, you just spent ten minutes telling us that these due process hearings are scheduled around your schedule and around the schedules of ALJs.

ALJs and everyone who works at OAH are government employees. You are all employees who are meant to serve the public. The fact that you work under the Department of General Services shows an extreme conflict of interest. The DGS is the business unit of the State of California with one of the sole priorities being to save the state money.

And, Judge Castillo, you just exemplified that to a T. You are worried about your scheduling of your ALJs and you are worried about your cost to your department. That is not what OAH is supposed to do. That is in violation of the rights of every single parent.

We are not -- OAH and DGS are not there for your own self-serving convenience. This is very serious federally-protected rights of parents for their disabled students. And

if your ALJs are too lazy to travel because they're too old or too busy or whatever the issue is, then fire them and let's get some ALJs who actually want to work and do their jobs. This is ridiculous.

And, honestly, the fact that you feel so comfortable even mentioning that and talking about it for ten minutes shows just how far off this entire division is from understanding and supporting parental rights.

We are not here to serve you. You are here to serve our children, and our children's rights are being violated. Absolutely parents should be able to have an in-person meeting. Isn't it even in the IDEA that says that due process hearings and mediations are supposed to be where the parents are comfortable or a mutually upon -- mutually agreed upon location?

Why is this being dictated by OAH? You are not supposed to be serving parents and their disabled children. Thank you.

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

We have one more member of the public that would like to speak.

DIVISION CHIEF CASTILLO:

Ms. Whiteleather?

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

Ms. Whiteleather, I have requested that you unmute yourself. You may proceed. You have three minutes.

MS. WHITELEATHER:

Thank you. My name is Tanya Whiteleather. I'm an attorney who represents students.

With every due process complaint, I state that the failure to allow us, every single and there have probably been dozens over the past several years, I state that denial of an in-person and forcing us to do a hearing where we cannot confront witnesses, we cannot sit with our clients and get information from them as we could in a courtroom or a hearing room is a denial of due process. Every single complaint that OAH has received from me has said that.

And I have never been given any notice, anywhere, that an in-person can be requested. So thank you for sharing that with us because that's not been shared.

There are so many problems in virtual, including the fact that we don't get an open hearing and somehow OAH believes that it's appropriate to then send out not just the ability to look and watch the hearing, but to get a transcript in the form of an audio recording that could be shared with anybody of a student's confidential. That is not allowed in open hearings. But that's what OAH has chosen to do.

And, in fact, I just finished a hearing where we had -- and I'm not saying it doesn't go on both sides, folks. I mean nobody is perfect.

But I have, on my side representing students, just finished a hearing, where the witnesses, three women, were asked questions, sat there for -- you could tick out a whole minute before they answered. And it appeared to me that they were getting direction from somewhere. I can't prove that.

I can prove that in, at least, two hearings I've had witnesses have received marked copies of documents that my side didn't have. In a courtroom, in a hearing room, that doesn't happen. That's due process. The right to confront a witness. And we don't have that.

And I agree with many people. I think there are issues in PHCs and mediations that are really well served by having Zoom. We do that in a lot of settings. That's wonderful. But not being able to confront a witness, and I'm sure both sides have this issue, to see what they're looking at, to see with whom they're communicating, to be able to sit with your client or anybody who is assisting you is a denial of due process.

So I heartily support this. Thank you.

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

And we have one more, Mary Kellogg, who has raised her hand. It appears that she has lowered. We have no more requesting access. Oh, Mary Kellogg has raised her hand again.

DIVISION CHIEF CASTILLO:

Invite her in.

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

Ms. Kellogg, I have allowed you to unmute yourself. You now have three minutes.

MS. KELLOGG:

Thank you. I also sent an email, but you can ignore that.

My name is Mary Kellogg. I represent Los Angeles Unified School District. I am an attorney. I stand in support from the district side of the public comments and that have been made on behalf of students' attorneys.

And I would like OAH to know that this is not just a request from parents and students. That in-person hearings should not -- whether or not they are convened should not be dictated by the convenience of OAH or the desires of OAH or the desires to save money by OAH, but by the desires of the parties themselves.

And I would like to add that OAH's default practice of video conferencing is inconsistent with every other state and federal court in California, which is open for public business. There are no emergency orders justifying the closure of public forums and there is no authority for which OAH can force parents, students, representatives of either side to be a video -- to participate in a video hearing if they're asking otherwise.

Thank you for listening.

DIVISION CHIEF CASTILLO:

Thank you. Are there any --

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

There are no other -- no other public comment. And other than the one email from Ms. Kellogg, she asked us to disregard, there are no emails from the public.

Oh, we do have another. Pam Ragland has raised her hand.

DIVISION CHIEF CASTILLO:

You can --

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

Do you want me --

DIVISION CHIEF CASTILLO:

Please invite her in.

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

Okay.

Ms. Ragland, you are authorized to unmute yourself. You have three minutes. Please proceed.

MS. RAGLAND:

Hi, everyone. And I apologize because I just got in.

But speaking about the in-person meetings, and I think everybody's probably aware, but just in case, there is actually a federal regulation that gives the parent the choice of whether or not they want to participate in a meeting virtually or in person.

I don't know. I'll find it real quick.

So I think given the fact that there is a regulation for that, that that's something that should be considered because otherwise technically we're out of compliance.

And I'll find it for you, as I'm looking here. I know it's -- I know it's -- I don't memorize those things off the top of my head. It's 34 C.F.R. something, but I'll find it.

So, anyway, that was my feedback about that. And let's see if I can find it fast. Okay. Of course, I'm not going to be able to find it fast. I'll try to put it in -- I don't know if I can put it in the chat? Or I'll dig it up and comment again.

But I just wanted to make everybody aware there is a federal regulation about that and CDE has recently actually ruled in parents' favor when the schools, but it's not just for schools, it's administrative matters, have tried to force the parents to do a virtual hearing and they wanted to do something -- or a virtual meeting, including IEP meetings, and they wanted to do it in person. But the regulation actually says administrative matters.

DIVISION CHIEF CASTILLO:

Thank you.

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

And the public comments have been cleared and there are no additional emails at this time.

DIVISION CHIEF CASTILLO:

Well, Mr. Shaw, would you like to make a recommendation?

MEMBER SHAW:

Sure. So hearing some of the concerns of the public, I've reworded this a little bit. I'm happy to reword it more, but what I have at this point in time is upon a timely request from a petitioner or a pro per parent -- and for community folks, that's a parent without an attorney -- to a due process hearing, the OAH will provide an in-person mediation or due process hearing.

DIVISION CHIEF CASTILLO:

Ms. O'Maley?

MEMBER O'MALEY:

I don't think it should be limited to pro per. I think it should be limited to the parents and their attorneys. I don't think you should limit it to pro per. It should be a parent's right, whether they have an attorney or not.

MEMBER SHAW:

I included --

MEMBER O'MALEY:

It's parents' right to have it. And the -- and the good cause -- the good cause thing is, to me -- to me, too vague and ambiguous and puts power on OAH, where the parents should have a right to have a due process hearing in person or mediation in person if that's what they elect, period, with an attorney or not, just pro per.

DIVISION CHIEF CASTILLO:

Mr. Shaw?

MEMBER SHAW:

Sure. So the way I wrote this was petitioner or pro per. So a petitioner would be a parent attorney who's petitioning a case or even in the event of a school district who's petitioning and requesting a due process hearing against a pro per. So I think I addressed that concern.

I'm not -- it sounds like my term's up, so I probably won't -- I don't know if I'm going to be around for the next round, but I think, you know, forward thinking for folks who might be around is kind of establishing what good cause is.

I know, you know, with respect to continuances and stuff, and, you know, we have California rules of court that don't necessarily apply to OAH, but there is, you know, an explanation of what good cause may be. And maybe that's another way to approach this for folks to think about if I'm not around at the next hearing to get a better idea of what good cause should look like in establishing specific criteria around that.

DIVISION CHIEF CASTILLO:

Okay. Ms. O'Maley, excuse me, what we can do is that there -- it is not limited. If you want to make your own recommendation on this agenda item that you may. What I'll do is, I will get, from Mr. Shaw, his and I will give you time to make yours or any other member of this committee recommendation on this. And we will take separate votes.

If both recommendations pass, OAH will respond to both. And it's up to the members of the committee to determine how they want to vote on any particular recommendation.

So I'm just going to focus on this one for Mr. Shaw first. And then, Ms. O'Maley, if you'd like to make your own, I will give you that opportunity.

And I'll give any other committee member the same opportunity. Okay.

So, Judge Yazigi, could you please repeat Mr. Shaw's recommendation -- proposed recommendation?

JUDGE YAZIGI:

Right. I might need a little bit of help. What I have is that upon timely request from a petitioner, or we would refer to it as self-represented parent, to a due process hearing, the OAH will provide an in-person mediation or due process hearing. Was it upon a showing of good cause?

MEMBER SHAW:

No. I had no good cause standard in the recommendation.

JUDGE YAZIGI:

Okay. That -- because I heard some discussion about good cause. So it would just be upon, OAH will provide an in-person mediation or due process hearing.

The second part of the original draft of that recommendation was this must be filed 15 days prior. Does that still stand as part of the recommendation?

MEMBER SHAW:

I removed that.

JUDGE YAZIGI:

Okay. So to start from the top, what I have is that upon timely request from a petitioner, or a self-represented parent, to a due process hearing, the OAH will provide an in-person mediation or due process hearing.

MEMBER SHAW:

That sounds accurate. Yes.

JUDGE YAZIGI:

Okay.

DIVISION CHIEF CASTILLO:

Would any committee member like to second this recommendation?

Member O'Maley? You're still muted.

MEMBER O'MALEY:

I had a comment first. I just take out upon timely just that they have the right to because timely is too vague.

DIVISION CHIEF CASTILLO:

Mr. Shaw, would you like to keep the recommendation as is or remove that?

MEMBER SHAW:

Yeah. My concern is that they're going to have to be some sort of period of time by which you make that request. I mean, springing that, you know, 24 hours before a mediation or due process hearing is going to create havoc and problems.

DIVISION CHIEF CASTILLO:

Member O'Maley?

MEMBER O'MALEY:

I think when they file the request, they can file it and ask for in-person then. Initially file it, they should request in-person right then.

MEMBER SHAW:

So they --

EMBER O'MALEY:

That they should have the right (inaudible) request in-person then. And it should be a right. I don't -- I'm struggling with this because I believe it's a right of the petitioner to ask for in-person. I really feel that it's a right. And making them jump through hoops is what concerns me.

I think if they request it -- I think if they request it upon filing, that should be it.

DIVISION CHIEF CASTILLO:

My understanding, Mr. Shaw, would be -- Member Shaw -- is that timely, if it's filed -- requested at the time of filing that's a timely request under your proposed recommendation?

MEMBER SHAW:

That wasn't necessarily what I was recommending. I was listening to the second or third caller and thinking, you know, about situations where things arise after a filing. And so it would make sense to be able to still petition and request an in-person mediation or hearing because there might be some supervening unforeseeable event at the time of filing.

I'm also thinking about, and thank you, self-represented parents who might not know to make that request and might later learn that they may or may not be able to make that request.

And so I was trying to take all those things into consideration; hence the use of the word timely.

DIVISION CHIEF CASTILLO:

Okay.

Would anybody like to second Mr. Shaw's recommendation?

Ms. Luby?

MEMBER LUBY:

I'll second.

DIVISION CHIEF CASTILLO:

Okay. Are there any comments or questions from the committee regarding the recommendation?

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

There are no -- I assume by community, you mean public attendees? Or committee?

DIVISION CHIEF CASTILLO:

I'm just going for the committee. So Ms. O'Maley?

MEMBER O'MALEY:

Yeah. I just want to make sure we read it again before we vote, please.

JUDGE YAZIGI:

Okay. I can read it again, if you'd like, Judge Castillo?

DIVISION CHIEF CASTILLO:

Yes, please.

JUDGE YAZIGI:

That upon timely request from a petitioner or self-represented parent to a due process hearing, the OAH will provide an in-person mediation or due process hearing.

DIVISION CHIEF CASTILLO:

Any other -- any questions or comments on the proposed recommendation as read by Judge Yazigi from members of the committee?

Mr. Shaw?

MEMBER SHAW:

Just one comment for community members to bear in mind as we figure out what this should say, this recommendation in particular.

You know, the ability to access virtual hearings has also expanded access to justice to people in very rural communities who can't get attorneys, can't get representation.

And so, you know, from my perspective, having a practice that's all over the state in places that generally people don't want to go, it has very much expanded, you know, parents' ability to access legal counsel.

So it's something to consider. We don't want to -- 'm not a fan of a recommendation that's going to, you know, abolish in-person -- or I'm sorry -- virtual proceedings because I certainly think they're beneficial in many situations.

And I understand and hear from the community why they might -- why an in-person hearing might be beneficial in other situations.

DIVISION CHIEF CASTILLO:

Member O'Maley?

MEMBER O'MALEY:

The concern still is the timely because I think that ends up on ALJ gets to decide timely and then could reject a person's request if they say, well, that's not timely; and I just don't like vague terms within these recommendations. That's just my concern.

DIVISION CHIEF CASTILLO:

Okay.

Ms. O'Maley, would you like to make your own recommendation on this agenda item?

MEMBER O'MALEY:

Sorry. Yes. I would just like to make the same recommendation without timely, so that they can make -- they can make the (inaudible). But some things -- and the person's comment about, you know, accessing documents over the secure file transfer is really true. It is not an easy system. And I think that in-person is absolutely a right. And I just -- the timeliness, to me, gives a vagueness that then puts it on OAHs -- they could justify, well, that wasn't timely because timely hasn't been identified.

So I would take out the timely. That's my only request. I would take the same recommendation, but delete timely. That's my recommendation.

DIVISION CHIEF CASTILLO:

Judge Yazigi, do you have that?

JUDGE YAZIGI:

I do. And for the sake of thoroughness, I can read it out.

DIVISION CHIEF CASTILLO:

I think --

JUDGE YAZIGI:

That upon request from a petitioner or self-represented parent for a due process hearing, the OAH will provide an in-person mediation or due process hearing.

DIVISION CHIEF CASTILLO:

Would anyone like to second Ms. O'Maley's proposed recommendation?

Seeing no second -- oh, Ms. Luby?

MEMBER LUBY:

So I don't necessarily want to second. I'm just curious. So we have -- we had a proposal on the floor. We had a second, but we didn't have a vote. Does that -- so did that one die? I'm just curious --

DIVISION CHIEF CASTILLO:

No. It's not. I will have this public comment and then we'll take votes on -- if there's a second on Ms. O'Maley's. We will --

MEMBER LUBY:

Take a vote --

DIVISION CHIEF CASTILLO:

-- have a vote on that.

MEMBER LUBY:

-- on both?

DIVISION CHIEF CASTILLO:

We'll have two votes.

MEMBER LUBY:

Okay.

DIVISION CHIEF CASTILLO:

As I indicated earlier, as to any agenda item, a recommendation on this need not just be made by the person who suggested the agenda item. It may be made by any member, committee member, and they could be different.

So we've had that in the past where one member wanted one as a particular topic, one thing and a particular, somebody else wanted a little bit different. So it would be here and in response to both, if seconded and passed, we'll have 14A and 14B, and then we'll respond to those.

So would anybody like to second Ms. O'Maley's?

Ms. Grosner?

MEMBER GROSNER:

Yes. I would like to. Both have valid points, but I would like to see how OAH responds to both of these. So, yes, please.

DIVISION CHIEF CASTILLO:

Okay. And as I indicated, if both measures -- if both proposed recommendations pass, OAH will have to respond to -- Mr. Shaw's will be 14A and Ms. O'Maley's will be 14B; and OAH will respond to both.

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

Judge Castillo, I believe it's agenda item -- I have it as 16A and 16B.

DIVISION CHIEF CASTILLO:

Okay, whatever, 16, sorry. Yeah, 16A, but we'll respond to both.

Ms. Luby, did you have anything further?

Mr. Shaw?

MEMBER SHAW:

Could I amend mine to try to address Ms. O'Maley's concern? I'm sorry --

DIVISION CHIEF CASTILLO:

So you're striking your current one and your new one would be?

MEMBER SHAW:

It's the same. I just added an additional sentence that would say a timely request is a request made 10 calendar days prior to the mediation or due process hearing.

DIVISION CHIEF CASTILLO:

Okay. So it would be the same first sentence and the additional second sentence?

MEMBER SHAW:

Correct, yes.

DIVISION CHIEF CASTILLO:

Do you have that, Judge Yazigi?

JUDGE YAZIGI:

One moment. So I have a timely request is a request made 10 calendar days prior to the mediation or due process hearing.

Is that correct, Mr. Shaw?

MEMBER SHAW:

Yes. Thank you.

DIVISION CHIEF CASTILLO:

Do we have a second to Mr. Shaw's revised recommendation for Agenda Item 16?

Ms. Anderson?

MEMBER ANDERSON:

I'll second that.

DIVISION CHIEF CASTILLO:

Okay. We have a second.

Are there any further discussions or comments from members of the committee about the agenda items? Or those recommendations for Agenda Item 16?

And comments from members of the public? If you could please let in IEP Mom.

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

IEP Mom, you have been requested to unmute yourself. You have three minutes. Please proceed.

IEP MOM:

I just want to comment that on the packet that I received from OAH, it currently states, if any party wants an in-person hearing, the party must file a motion with OAH as soon as possible.

That's the timeline that is currently there. Though it appears that most of them are rejected if they don't have -- meet a certain standard. But, currently, the timeline is as soon as possible.

Thank you.

DIVISION CHIEF CASTILLO:

If you could please let in Education Not Litigation?

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

Education Not Litigation, you have been requested to unmute yourself. You have three minutes. Please proceed.

EDUCATION NOT LITIGATION:

Thank you. I appreciate it.

And, Ms. O'Maley, I really appreciate your comments to advocate for the rights of parents to an in-person hearing.

I do have to say that I'm troubled by Mr. Castillo's response at the beginning of this item, which basically he mentioned that there has been no difference in the amount of settlements when we went -- when OAH went to virtual versus in-person.

That's neither here nor there. That doesn't have anything to do with the price of tea in China. We are talking about parental rights.

And, Ms. O'Maley, I wholeheartedly agree with you that we cannot possibly leave it up to OAH because OAH will find a way to rule against the parent. That is OAH's

reputation in the parent community today. Most judges at OAH -- with a minority being the ones that are doing the right thing, most judges are perceived as being in the back pocket of districts and being anti-parent. That is the reality.

So if it's left up to OAH, they will find a way to rule against a parent because they perceive the parent as the enemy in the whole process because we are complaining and we're causing workload for OAH. And they just want to remain in a comfortable state-salaried plus benefits position at taxpayer expense in their ivory tower in Sacramento sitting pretty while our kids' rights are being denied.

So I definitely think we should tighten it up. Yes, it should be reasonable, whatever the language is, but this whole thing about leaving it up to OAH to come up with the rules in a smoke-filled back room, that's where we are today and that's where we're having all these problems.

And, actually, OAH needs to be eliminated from doing due process hearings altogether. It should go back to a third-party entity, like McGeorge School of Law, that at least gives parents a chance and doesn't have -- it's not the fox watching the hen house with one public agency and one arm of the State watching the other arm of the State.

As a -- just as a point of procedure, there was a motion on the floor and then there was a substitute motion made. So unless the maker of the motion withdraws his motion, which sounds like what Mr. Shaw wants to do, I think the procedure would be for Mr. Shaw to withdraw his original motion.

DIVISION CHIEF CASTILLO:

Thank you.

If you'd please invite in Pam Ragland.

MS. RAGLAND:

Hi, all. Thanks again for taking public comment. Okay. So a couple things.

I have a suggestion that seems to make sense to me. For a due process hearing, why couldn't this just be something that's part of the Prehearing Statement and that's reviewed in the Prehearing Conference for the actual due process. And if the parent wanted the Prehearing Conference in person, then they could do something else. That just seems to me to be like a simple part of the process that's already there.

And then regarding mediation, you could set a certain timeframe for that, where it's just on the form or have a form if the parent requested, or somebody requested, within a certain amount of time, just put it on the form. And, that way, it's not subjective. It's something that's, you know, more black and white.

And, then, the other part. I wanted to give you that regulation. It's 34 C.F.R. 300.328, alternate means of meeting participation. And in the regulations, it actually defaults to in-person participation and that the parent has to approve if it's virtual. And that comes under 20 U.S.C. 1414(f), Subsection (f).

So that's it.

DIVISION CHIEF CASTILLO:

Thank you.

Can you please invite in Irvine Abused Parent?

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

Irvine Abused Parent, you have been requested to unmute yourself. Your three minutes begins now.

IRVINE ABUSED PARENT:

Thank you. Yes. Regarding this timely issue and the timeframe, what I'm very concerned about is parents are not even told what the rules are.

As we've discussed previously, people on this call and the committee members didn't even know that anyone could even request an in-person mediation or due process hearing. Nobody even knows what the rules are.

So especially parents who are filing for, let's say, mediation only and, so, they're filing on their own, since attorneys can't come, they aren't going to know that they can request an in-person mediation.

And so when you say timely or put any kind of time limit on it, I'm very concerned that the parents don't even know. They might find out the day before mediation that, oh, gosh, I could have requested in person.

So all of this really hinges upon how the parents are going to be told what their rights are. And I think that we've had several people discuss how in-person really should be the default. It should not be something that the parents have to file a motion

for and beg OAH and say, please, can we? You know, we know you don't want to travel, we know you're tired, but please, will you allow me my rights to have an in-person mediation or due process hearing. That is ridiculous.

And, I'm sorry, but OAH really cannot be trusted. It was OAH who for years was posting in writing on the mediation-only forms that parents could not bring an advocate to mediation. That is not the law. That has never been the law. And I have multiple versions of these forms that OAH was sending out to scare parents, who were not represented by attorneys, to scare them into not even bringing an advocate.

So OAH obviously has shown over and over and over again that it is hostile to the parents, that it is trying to save money because it is part of DGS. And we absolutely need a neutral third-party entity that does not have all of these complex of interests.

Thank you.

DIVISION CHIEF CASTILLO:

Thank you.

Oh, can you please invite in Natalie?

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

Natalie, you have been requested to unmute yourself. You have three minutes, which begins now.

NATALIE:

Okay. Great. Thank you. I didn't have anything planned. I do have a lot to say, but I just want to focus on two things that struck me as, you know, a denial of due process.

One is that, you know, I had a hearing there with the OAH and the ALJs switched. I think we had about seven different ones. Every time FFF requested a continuance or there was a motion, there was a different ALJ. That doesn't really happen in other courts.

I've never seen anything like it. It seems very staged. It seemed like they were all buddies. It was -- you know, it was a horrible experience because, you know, first of all, no parent wants to be there. You know, it's really sad what's happening to our children. And then to be treated like that was pretty awful.

So the second thing I wanted to say was that the other thing we did was after FFF repeatedly asked for continuances, I asked for one, because I didn't have access to the, you know, the internet or CaseLines or anything. So I really couldn't do anything. And so the ALJ just dismissed my case with prejudice and denied my continuance.

Well, now FFF is saying that -- I appealed in federal court within 60 days, like the, you know, IDEA says to do. So, now, FFF is saying that I was required to go to Superior Court within 10 days to appeal my request for a continuance. You know, that is not listed anywhere.

So, I feel like, you know, being harassed and it's now three years later, my son was denied FAPE. He graduated sixth grade with a third grade IEP and, you know, is suffering.

And so, you know, honestly, I feel like not only did the IEP not help, but it actually harmed my son and me financially, emotionally and educationally. So the thing about the 10 -- you know, me now being required to appeal in Superior Court within 10 days, if that's the case, you know, that needs to be told to parents straight up.

And I just want to reiterate what Rita said was fantastic. She, like, took the words out of my mouth and said it very well. The OAH should not even be doing this. It's very biased. And, you know, that's all I have to say. So, I know you guys aren't going to tell me, but I do hope you guys look into those issues that I just mentioned.

Thank you.

DIVISION CHIEF CASTILLO:

Okay. Any emails, Ms. Crom?

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

There are no emails at this time.

DIVISION CHIEF CASTILLO:

Okay. We'll take a -- we'll be moving to a vote. In response to the question of the public, I did ask Mr. Shaw about reframing and there was no second on it. So he did not have to withdraw.

So give me a second. So on Agenda Item, I'm going to call it, Recommendation 16A, Judge Yazigi, can you please read Mr. Shaw's proposed recommendation?

JUDGE YAZIGI:

I will. From the top. That upon timely request from a petitioner, or self-represented parent, to a due process hearing, the OAH will provide an in-person mediation or due process hearing. A timely request is a request made 10 calendar days prior to the mediation or due process hearing.

DIVISION CHIEF CASTILLO:

Okay. We'll go with the roll call.

Mr. Shaw?

MEMBER SHAW:

Yes.

DIVISION CHIEF CASTILLO:

Jessica Little?

MEMBER LITTLE:

Yes.

DIVISION CHIEF CASTILLO:

Kathleen Anderson?

MEMBER ANDERSON:

Yes.

DIVISION CHIEF CASTILLO:

Mindy Luby?

MEMBER LUBY:

Yes.

DIVISION CHIEF CASTILLO:

Marianne Grosner?

MEMBER GROSNER:

Yes.

DIVISION CHIEF CASTILLO:

Julie Lewin?

MEMBER LEWIN:

Yes.

DIVISION CHIEF CASTILLO:

Kimberlee O'Maley?

MEMBER O'MALEY:

No.

DIVISION CHIEF CASTILLO:

No.

Joshua Walden?

MEMBER WALDEN:

Yes.

DIVISION CHIEF CASTILLO:

Sue Singh?

MEMBER SINGH:

Yes.

DIVISION CHIEF CASTILLO:

Okay.

And correct me if I'm wrong, Judge Yazigi, the vote in the North is 4-0 in favor of this recommendation and the vote in the South is four yes, one no.

JUDGE YAZIGI:

That's what I have.

DIVISION CHIEF CASTILLO:

So this recommendation passes both committees and OAH will respond to what I'm calling is 16A.

Judge Yazigi, could you please read Judge -- Ms. O'Maley's? I'm promoting everyone. We'll all be judges today. Member O'Maley's recommendation, which has been designated as 16B?

JUDGE YAZIGI:

Sure. That upon request from a petitioner or self-represented parent to a due process hearing, the OAH will provide an in-person mediation or due process hearing.

DIVISION CHIEF CASTILLO:

Okay. Vote.

Daniel Shaw?

Mr. Shaw?

MEMBER SHAW:

Yes.

DIVISION CHIEF CASTILLO:

Yes.

Jessica Little?

MEMBER LITTLE:

Yes.

DIVISION CHIEF CASTILLO:

Kathleen Anderson?

MEMBER ANDERSON:

No.

DIVISION CHIEF CASTILLO:

Mindy Luby?

MEMBER LUBY:

Yes.

DIVISION CHIEF CASTILLO:

Marianne Grosner?

MEMBER GROSNER:

Yes.

DIVISION CHIEF CASTILLO:

Julie Lewin?

MEMBER LEWIN:

Yes.

DIVISION CHIEF CASTILLO:

Kimberlee O'Maley?

MEMBER O'MALEY:

Yes.

DIVISION CHIEF CASTILLO:

Joshua Walden?

MEMBER WALDEN:

No.

DIVISION CHIEF CASTILLO:

Sue Singh?

MEMBER SINGH:

Yes.

DIVISION CHIEF CASTILLO:

Okay. That was a yes from Sue Singh.

So the vote in the North is 3-1 in favor of 16B, and in the South, it is 4-1 in favor of 16B. So both recommendations do pass. OAH will issue responses to 16A and 16B, please.

JUDGE YAZIGI:

Judge Castillo, who was the second on 16B, please?

DIVISION CHIEF CASTILLO:

Was that you, Ms. Luby? Or was it Ms. O'Maley's or -- oh, Ms. Grosner was -- correct me if I'm wrong.

Ms. Grosner, you seconded Ms. O'Maley's recommendation? Is that -- you can turn off your mic -- turn on your mic.

MEMBER GROSNER:

Yes, I did.

DIVISION CHIEF CASTILLO:

Okay.

JUDGE YAZIGI:

Thank you.

DIVISION CHIEF CASTILLO:

So we'll be taking a break to 10 minutes to the hour, so to 11:50; and then we'll be moving on to Agenda Item 17 regarding training.

So with that, we are taking a break and we will come back at 11:50 a.m. Thank you.

(Break Held Off the Record)

DIVISION CHIEF CASTILLO:

We are back and I'd like the members to please turn on their cameras, so I can ensure that we have a quorum for this portion of the Advisory Committee meeting.

Mr. Walden, Ms. Lewin, Ms. Singh --

Okay. So we have present Member Shaw, Member Little, Member Anderson, and Member Luby in the Northern California.

We have present Member Grosner, Member Lewin, Member O'Maley, Member Sandoval -- no, no, Ms. Sandoval is not present. Member Walden is present and Member Singh is present.

So morning part/first part participants are here.

And we will go on to Agenda Item 17. With respect to ALJ trainings, recommendation that OAH coordinate with representatives from the parent community, school districts, student attorneys and school districts' attorneys to present on pertinent and important topics related to special education and post on its website the dates of training, the topics and who is presenting.

This was submitted by Mr. Shaw

And, to give a quick background, by regulation and OAH's contract with the California Department of Education, OAH administrative law judges and pro tem mediators are required to have specified hours of annual training on conducting hearings, mediations, special education law, and disability awareness, among other areas.

Mr. Shaw?

MEMBER SHAW:

Thank you.

So this recommendation comes, again, from speaking with folks in the community with respect to, I guess from the parent side, being more involved in the training process on bringing issues, or pertinent issues, to the attention of OAH and somehow being more involved in some of the trainings.

I know, myself, I've been told by folks who represent school districts or charters that they've been invited to conduct OAH trainings. When I poll some of my colleagues, I don't hear reciprocity from the perspective of -- and it may be happening, but those folks haven't identified themselves as being involved in annual OAH trainings.

I think it would be great for the OAH to hear directly from parents who sit through the IEP process of what it's like to be a parent of a child with special needs and to sit in these meetings and to have a better understanding of different perspectives, inclusive of what it's like to be a school district personnel sitting in those meetings or concerns, you know, that they might want to present during training, issues that they deal with and so on.

DIVISION CHIEF CASTILLO:

(Inaudible) history that we have had student attorneys, charter school attorneys, district attorneys, in the long past, present. OAH stopped that due to concerns of ex parte contact with the administrative law judges and this would also include people who may testify in front of OAH in matters.

And so because of the concern about ex parte contact, as those attorneys would also be having live cases with OAH, and also concerns about non-district or parent parties/participants to present as assessors, et cetera, may be witnesses in matters in front of OAH.

OAH has taken steps to not have those individuals present due to concerns of violating our ex parte contact statutes and regulations.

Ms. Grosner?

MEMBER GROSNER:

Your Honor, I'm sorry. Can you explain what ex party (sic) or parte is?

DIVISION CHIEF CASTILLO:

I'm sorry about that. I went against my own thing.

Ex parte is that in any litigation that's going on in a matter that's followed from OAH for resolution is that we cannot talk to one side or the other without the other side being present. So it's to allow fairness in the matter. It's different from mediation.

In mediations, we're allowed to caucus and talk to each side separately, but during the hearing itself or motions, et cetera, that's why we require both, when a motion is filed and responses and the other side is served.

And to have the administrative law judge not talk to one party or the other without the presence of the other party to avoid -- the legal term is ex parte contact and it's a fairness issue that we get to hear both sides of a dispute. Then, make a ruling, either on a motion or an administrative hearing process.

Mr. Shaw?

MEMBER SHAW:

Thank you for the explanation. Just kind of two, I guess, thoughts or comments.

One, it was within the last six months that I was told by an attorney who represents school districts and/or charter schools that they were traveling down to Southern California to present or to conduct an OAH training. And that's when I started to ask questions with respect to some of my colleagues if they're ever invited.

And, just thinking out loud, I think perhaps one of the ways of getting around the issue of ex parte is by -- is the, kind of, second part. If these are -- if these trainings are set ahead of time, posted on the website, and adequate notice is given that a certain person will be presenting during a training, I'm not sure that that would constitute an ex parte at that point.

DIVISION CHIEF CASTILLO:

Member O'Maley?

MEMBER O'MALEY:

I agree with Mr. Shaw that that -- especially if they were all there, it shouldn't -- and if it were scheduled, it shouldn't create an ex parte situation when you have a number of judges.

I think part of the concern is we've had ALJs who just aren't educated enough on the law when we've been in front of them and on special education law.

And so I want to understand better what the specific training is. You used the word specific training. So I wanted to really understand better how you're doing the training and if, in fact, it is true that you're no longer inviting school district entities or individuals in, given Mr. Shaw's information.

DIVISION CHIEF CASTILLO:

I will look into that. I am not aware of any training done by the special education division that had an attorney. But I will look into that.

But, also, we have within the general jurisdiction side, which handles our licensing matters, Department of Developmental Services matters, and other matters for school districts involving teacher layoff, teacher credentialing hearings, et cetera, which we do not hear on the special education side.

So all the disputes that we handle are requests for due process hearings or special education mediation only, as one of the participating members of the public had

talked about, hearings involving non-public schools and non-public agencies and their certification to provide special education services with the California Department of Education.

And, then, if someone files what's known as a compliance complaint with the California Department of Education; and those people request a compliance complaint mediation, we will handle those mediations. Those compliance complaints are special education compliance complaints and not the terms of Washington complaints.

So, (inaudible) case, we don't handle those. We just handle the compliance complaints required by federal law. So we don't handle any of the general matters involving school districts, like retirement cases, teacher layoffs, et cetera, and our general jurisdiction judges do not handle special education matters.

Are there any other comments from the committee members?

Yes, Ms. O'Maley?

MEMBER O'MALEY:

I'm still not clear on what the training for the special education ALJs involves. I'm just trying to understand that. What it currently -- what the current training process is. If you could help us understand that, I'd appreciate it.

DIVISION CHIEF CASTILLO:

All new administrative law judges who are hired are required to go a minimum of 80 hours. You do exceed that. That training is to cover special education law, disability awareness for mediation.

If they do not have a 40-hour mediation mediator certificate, they will -- we will provide them with a 40-hour mediation training through one of the entities like Pepperdine or National Judicial College or or another educational institution annually.

And, then, our pro tem mediators, before they start mediating, are required to have 20 hours of training beyond their -- plus a mediation certificate. They attend on their own. And those 20 hours are dealing with mediation, special education law, and disability awareness.

For administrative law judges, our contract and regulations with the California Department of Education require 40 hours of annual training covering hearing process, mediation process, disability awareness, special education law. And, then, we document those hours and provide those to the California Department of Education.

And, then, our pro tem mediators are required to have 20 hours of annual training focusing on mediation, special education law, and disability awareness.

Ms. O'Maley?

MEMBER O'MALEY:

Who exactly provides that training? How is that -- all of those hours, who delivers that training?

DIVISION CHIEF CASTILLO:

Some of that training is done through OAH. Some of it is done through video webinars, through organizations like CADRE, who handles special education dispute training. Other training may be through video webinars put on by the National Judicial College, the MIND Institute.

And, then, if there's any other ones that aren't required, as a division chief, pursuant to our contract with the California Department of Education, to approve any training that an individual ALJ would like to take in order to reach training.

We additionally have our annual conference that is listed on the website, what the dates are, so people know not to calendar hearings and mediations during that time period. It is done jointly with our general jurisdiction.

So we may have joint sessions with our general jurisdiction colleagues on topics involving memory, handling difficult attorneys, handling difficult participants, disability awareness as they handle regional center cases. So they deal with disabled individuals in that realm and there's crossover with those individuals.

Additionally, we would do training on evidence, ethics, et cetera. We would do annually review special education cases that involve cases involving the California Office of Administrative Hearings and how those rulings have been in the Ninth Circuit and the California District Courts and if there's been any U.S. Supreme Court cases on those issues.

Additionally, during our monthly staff meetings, which are also listed on our calendar sections of when not to schedule things. And sometimes those monthly meetings have presentations either by our fellow administrative law judges and presiding judges on particular topics or that we may get an outside person to present a topic; usually, it's somebody through like the National Judicial College to do a presentation for us or another State agency that may have -- to do a presentation.

MEMBER O'MALEY:

Thank you.

DIVISION CHIEF CASTILLO:

Are there any other questions or comments on this agenda item by members of the committee?

From the public, if you could please invite in Education Not Litigation.

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

Education Not Education (sic), you have been invited to unmute yourself. You have three minutes, which begins now. Please proceed.

EDUCATION NOT LITIGATION:

Thank you.

First of all, on the issue of ex parte communication. Like Ms. O'Maley said, this would not apply because theoretically, if OAH is going to go to a professional development, the presenter should not be talking about specific cases. That's where ex parte communication comes in.

Secondly, Mr. Shaw, I think Mr. Castillo just told you that he's going to go in his smoke-filled back room with whoever the invisible hand of government is that makes decisions about the recommendations for this committee, and is going to make a recommendation that even though the committee may vote on this recommendation, it's not going to go through. Because they've already made up their minds about the ex parte communication.

And I have known of school district attorneys that have presented to OAH. So, really, this agenda item does not need to include the word school district and their representatives because they're already included.

In the parent community, we are well aware that OAH uses school district attorneys as their own private consultants, and they believe everything that they're told by the school district attorneys. They take it as the gospel.

The party that's missing from the equation is the parent community, and that's who needs to be added.

And, obviously, Mr. Shaw knows more about what's going on at OAH than the presiding Judge Castillo because Mr. Castillo did not know that there's a school district attorney out there that is doing presentations to OAH.

So, again, very troubling how the system is completely imbalanced and there's no power for the parents. All the power is on the other side; the State, the school district, and their contractors, their taxpayer-funded attorneys.

Thank you.

DIVISION CHIEF CASTILLO:

Thank you. Irvine Abused Parent, they can be invited in.

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

Hi, Irvine Abused Parent, you have been asked to unmute. You may proceed. Your three minutes begin now.

DIVISION CHIEF CASTILLO:

I think you invited Pam Ragland in.

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

Oh. My apologies.

DIVISION CHIEF CASTILLO:

Why don't we do Ms. Ragland, then we'll --

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

Yes.

DIVISION CHIEF CASTILLO

-- get to Irvine Abused Parent.

MS. RAGLAND:

All right. Sorry about that, Irvine. All right.

I echo some of the comments about the ex parte. I mean, technically, that's one party's having a communication with the judge about a particular case without the other party's knowledge of the case.

So, certainly, that could be facilitated if members of the community on both sides are invited to participate in the training where there are no cases that are on calendar for anybody who's participating. And if it's a school attorney or another attorney, they could agree to, you know, not hold any cases during the time when the training is scheduled, or not have any cases that they're going to take or find someone else to do it for them.

I do think it's still going to be unbalanced though because the school district attorneys are still going to be paid with taxpayer funds and the parent attorneys are not going to be.

I was really distressed when I looked at all the OAH cases from this last month and I saw that not a single case was ruled in favor of the parent. That's very concerning. It's distressing to parents. I have -- I'm an advocate. I have parents that I'm helping right now. They're both attorneys, and they're looking at the situation and saying, what is going on over here? They're not obviously special education attorneys, but I just find it interesting the perspective of an attorney who's used to practicing someplace else where they have rules around due process when I have to explain, oh, yeah, this is not like a regular court.

I think that is unfortunate on both sides because it makes it where people really don't know what to expect and there is definitely a level of due process.

I think -- I'm really happy to hear that you're looking at the cases that are being ruled on in the various courts once they get appealed. I think it's an important thing to get feedback from the parent community about what's not working because I guarantee you, whether it's directly from the parents or people that are supporting them, we have feedback to tell you on things that we consistently see that judges need to be trained on.

For example, I'm surprised that they're trained on disability because I literally had a judge who denied a disability accommodation to one of my parents. So she's lucky that that child moved out of state because we were definitely going to appeal that. So those are basic things that every judge should understand everywhere.

So, anyway, that's my feedback. I really support the idea of training. I support the idea of equal access for the training and making sure that it's focused on solving the problems that all the community sees from both sides.

DIVISION CHIEF CASTILLO:

Thank you.

Please, invite in Irvine Abused Parent.

IRVINE ABUSED PARENT:

Hi. Thank you.

Well, I think that this is just yet another example of how OAH tries to bamboozle parents.

In listening to your explanation of what ex parte communication is, as others have said, that is specific to a case. That is you, a judge or an ALJ, speaking to one side and not speaking to the other. That has nothing to do with what we're talking about.

You even said that a lot of these trainings are video webinars. So if the parent attorney did a video webinar on autism and potential services and accommodations that that child might need that has nothing to do with a specific case.

So I am just really floored here, Mr. Castillo, why you keep trying to bamboozle parents. I don't understand this. You are paid with our tax dollars. You are charged with ensuring that parental rights are upheld. And you, obviously, are doing everything in your power to withhold our rights, to make decisions in the dark, and to actually say things that are against the law.

Now, I will read to you what your mediation only form said, Notice of Mediation, Form 8. It says, so this is to the parent, you may consult with an attorney or legal

advisor before or after the mediation. You may also be accompanied in the mediation by someone who is assisting you, who is not an attorney or independent contract legal advisor or advocate.

OAH has even put things in writing that do not comport with the law. And just now, we heard you make excuse after excuse of why you cannot simply -- simply -- have parent attorneys or organizations, like disability rights, parent organizations present information on disabilities to you and other ALJs.

This is beyond ridiculous and, Mr. Castillo, I hope you're embarrassed because I'm embarrassed for you.

Thank you.

DIVISION CHIEF CASTILLO:

Could you please invite in Attendee Natalie?

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

Attendee Natalie, you are invited to unmute. You have three minutes. Please proceed.

NATALIE:

Okay. Thank you.

So I just have a couple of things. Another idea would be to hire out of state attorneys for the training. Because it's the -- the relationships are very deep and long with the OAH attorneys and the FFF.

I mean, as parents, we can't even find an attorney because no attorney really wants to go into this field because it's very well known to everybody. And I think everyone here knows, it's like we all know that this is kangaroo court and the attorney is not going to get paid.

As parents, you know, we work full time. I'll tell you that my son is now 14. I revoked his IEP last year and it's been the greatest thing ever. And my only stress now is I'm still dealing with the previous school from three years ago because my son graduated sixth grade with a third grade IEP.

And, you know, the lack of integrity. You know, I grew up in New York. I grew up with really strong values and integrity and I believe in the Constitution. And it is so shocking to me the behavior of the attorneys, FFF, the JPA, and even the ALJs -- you know, it's just -- it's just really gross because, you know, this is for the children. No parent wants to be here. And the whole IDEA, the way it's set up, everything is stacked up against us.

So the other thing is I want everybody to be aware of the fact that, you know, California is really cracking down on, you know, the state bar because there's a lot of corruption in the state bar.

And, you know, there's a new rule, 8.3, that all judges, that includes the ALJs, are required to report misconduct of the others, and that includes all attorneys.

So, you know, you guys have a legal, ethical, moral duty to report misconduct. And I'll tell you, there is a lot of misconduct, especially with these JPAs, you know, mingling with the FFF. It's -- you know, the only people that are making out are the attorneys and, you know, the OAH.

But, you know, I think when you go into -- when you decided to be an attorney or, well, not an attorney, but a judge, I would think that you do it because you want to make a positive difference, not to harm people. And what's happening is that children are being harmed. And it is so sad to look at their, you know, young faces and just, you know, no one's helping them, nobody.

You know, parents, we're trying so hard to just help them and they're usually just destroyed. I feel like you guys destroyed my son. He was so happy. He was a happy kid. And now he wants -- he keeps saying he wants to kill himself. I mean they're so abusive. He's like why doesn't anybody --

DIVISION CHIEF CASTILLO:

Your three minutes --

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

Yeah. Your three minutes are up. You have been unmute --

DIVISION CHIEF CASTILLO:

Okay.

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

you have been muted.

DIVISION CHIEF CASTILLO:

Okay. Please invite in IEP Mom.

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

IEP Mom, you have been requested to unmute yourself. You have three minutes. Please proceed.

IEP MOM:

Thank you. I think one of the biggest concerns I had, whether it's a training or whatever issue you guys are discussing is, first and foremost, OAH should not be permitted or allowed to violate any federal laws or take away any of our rights that are afforded us by federal laws.

Yet, you do that. You create policies and procedures that take away our federal rights. For example, even with the in-person, you feel that you have the right and authority and power to take away a right given to us in a federal statute. You do the same thing with mediation and not permitting us to have an advocate or something.

You create policies and procedures that violate federal law. Who gives you that right? It's just -- it is unimaginable to me that you think you have that.

I am going to be requesting an in-person hearing and, if I'm not given it, then I'm going to file a complaint. And I'm going to figure out how to sue you if you violate my rights. Because this has to stop. You've got to follow the law. And all we want are the rights given to our children. We are not asking for anything more than that. We're not asking for a Lamborghini. Just give us a damn car that runs.

And you have an agency, like FFF, that goes throughout California, intentionally, trying to intimidate and harass parents and take away the rights of their children and

schools that will rather pay thousands and thousands of dollars, \$250,000 for something that could have been settled with \$20,000. That should be illegal. That should be a crime.

Thank you.

DIVISION CHIEF CASTILLO:

Thank you.

Any emails, Ms. Crom?

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

Sorry about that. There are no emails at this time.

DIVISION CHIEF CASTILLO:

Okay.

Mr. Shaw, would you like to make a recommendation?

MEMBER SHAW:

Yeah. Before I do, just for clarity sake, I'm not sure if that training was -- the subject matter was special education or whether it was a general jurisdiction or a special education -- with the special education division. I was just told with the OAH.

My recommendation would be with respect to ALJ trainings, I recommend that the OAH coordinate with representatives from the parent community, school districts,

student attorneys, and school district attorneys to present on pertinent and important topics related to special education and post on its website the dates of the training, the topics, and who is presenting.

DIVISION CHIEF CASTILLO:

Okay. So you're following what's in the agenda item?

MEMBER SHAW:

Yes, sir.

DIVISION CHIEF CASTILLO:

Okay.

Do you have that, Judge Yazigi?

JUDGE YAZIGI:

I do.

DIVISION CHIEF CASTILLO:

Is there any second to this recommendation by any committee member?

Ms. Grosner?

MEMBER GROSNER:

Yes, Your Honor, I second.

DIVISION CHIEF CASTILLO:

Is there any further discussion on the recommendation by any committee member?

Member O'Maley?

MEMBER O'MALEY:

I just wanted to thank all the public for their comments.

DIVISION CHIEF CASTILLO:

Any comment by members of the public on the proposed recommendation?

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

Yes. There is one hand raised.

DIVISION CHIEF CASTILLO:

If you can please invite that person in?

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

Education Not Litigation, you have three minutes, you may proceed.

EDUCATION NOT LITIGATION:

Thank you. And the one thing that I would suggest is that OEH open its trainings up to the public. Why should they do this in secret? It's a State agency getting paid with our tax dollars to attend professional development. Why can't the public be allowed to attend as well?

This would be really important for parents that are self-represented, that don't have an attorney or an advocate to help them, to be able to know how OAH is looking at things.

I mean it's so non-transparent right now. Like many speakers have said previously, parents don't even know what the rules are. And OAH makes it up as they go along; often at this meeting, when they're responding to questions. And then even the attorneys in the meeting on the committee don't even know what OAH is doing. This is a big problem and it's denying due process rights. And like previous parents have said, it is harming the children and the system is stacked against parents.

So, most definitely, OAH should open the trainings up and be transparent and allow everybody. If the school districts want to attend the trainings, they should. This is public service, not public dictatorship.

Thank you.

DIVISION CHIEF CASTILLO:

Can you please invite in Pam Ragland?

MS. RAGLAND:

Hi, all --

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

Miss --

MS. RAGLAND:

Yeah, I got it. Thank you.

I think it's a great idea to open up the trainings to the public for many reasons, including just seeing each other's perspectives. I think that's a great idea.

I also want to make a comment about that. There's so many times when the parents don't know the rights. The parents don't know the rules. It's hard to find the rules because they're not consistent like the regular rules of court.

And I was completely unaware that you can do a mediation with CDE over complaints. If that's what I heard you say? That's news to me and that probably would be welcome to many parents for whom CDE is the only free opportunity they have to make a complaint and not have to go through something that's more of a legal process. And it's, frankly, woefully inadequate in terms of what comes out of those complaints.

So if I understood you right, it would be great to get information out about that. I know we have the parents' rights, but we need something like that really for California that says, here's what your rights are in California. You've got some additional rights that other states don't have. And so that everybody just knows what the rules are and what their rights are. And I think the training for everybody could be a big help with that.

DIVISION CHIEF CASTILLO:

Any emails?

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

There are no emails at this time.

DIVISION CHIEF CASTILLO:

Thank you.

We will take a vote as to the recommendation for Agenda Item 17.

Member Shaw?

MEMBER SHAW:

Judge Castillo, I think there's one other community person who raised their hand.

DIVISION CHIEF CASTILLO:

We have closed public comment. We have moved on.

So, Mr. Shaw?

MEMBER SHAW:

Yes.

DIVISION CHIEF CASTILLO:

Member Little?

MEMBER LITTLE:

Yes.

DIVISION CHIEF CASTILLO:

Member Anderson?

MEMBER ANDERSON:

Yes.

DIVISION CHIEF CASTILLO:

Member Luby?

MEMBER LUBY:

Yes.

DIVISION CHIEF CASTILLO:

Member Grosner?

MEMBER GROSNER:

Yes.

DIVISION CHIEF CASTILLO:

Member Lewin?

MEMBER LEWIN:

Yes.

DIVISION CHIEF CASTILLO:

Member O'Maley?

MEMBER O'MALEY:

Yes.

DIVISION CHIEF CASTILLO:

Member Walden?

MEMBER WALDEN:

Yes.

DIVISION CHIEF CASTILLO:

Member Singh?

MEMBER SINGH:

Yes.

DIVISION CHIEF CASTILLO:

It is passed unanimously by both Northern and Southern California committees and OAH will issue a response to the recommendation.

Agenda Item 18. Recommendation that OAH provides a response regarding the dashboard from the June-December 2022 Agenda Item 14 recommendation submitted by Ms. Grosner.

Just some background for individuals who are not aware. OAH, on its website, has what's known -- has a dashboard; I think it's visible with our calendaring portion of our website. And we keep information regarding the number of due process hearings and mediations filed by and against school districts.

We do not break it down by district filed or student filed against a district. For this particular school district, this is how many actions are -- have been filed concerning it.

Concern had been raised, not only by a prior committee member, by Member Grosner, but by other individuals, concerning the accuracy of the information on the dashboard.

I can state that I have met with our technology people. OAH does not maintain our -- the dashboard is something that was maintained by our Department of General Services Information Technology Division.

We did note there are problems in school districts, I would say, dropping out. So a particular school district, there would be data through 2017 and then dropout. It would say no actions filed against them. And I would know, for a particular school district, that, yes, actions have been filed against that.

We have worked with our Department of General Services IT Division. We think we have all the school districts now loaded on there. I know that it works for Microsoft Edge browser.

There had been some problems with Google Chrome and the dashboard working on Google Chrome browser that our IT Department is working on resolving.

So that's the current status and we'll be doing further testing once both platforms are stable. But the updates have been pushed to the public. So I would advise you to use it, if you have access to Microsoft Edge, to access the dashboard through that for the time being.

Ms. Grosner?

MEMBER GROSNER:

Thank you, Your Honor. And thank you for that overview and I want to touch on the dashboard and what you have accomplished in just a moment.

But I just wanted to share a little background on why I created this agenda item. Back in October, a year ago, I made a recommendation about this interactive dashboard needing to be updated. And then the response to that was that OAH will research if this can be accomplished on the website and report back at the next Advisory Committee meeting. That was June, 2023.

During that meeting in June, 2023, it was not reported back. And so I inquired in that meeting; and I was told that I had to put it as an agenda item in order to discuss. And it was a little mind boggling because OAH had stated in the recommendation's response that they would report back at the next Advisory Committee meeting.

So it's just confusing that we, as committee members, would have to actually still put that as an agenda item, even though OAH said they were going to report back. So that was just something that I was a bit confused about.

But, as you mentioned, I'm also happy to report I went to the OAH website and I did see the dashboard had been populated with most of the school districts, which is going to be really helpful. And also data is -- it used to be six to 12 months out of date; and I did see that it was updated, even for October.

So kudos to OAH in getting that updated. I just -- I think this is going to be really helpful for parents and advocates and attorneys, just to be able to search on the specific school districts and see the number of cases and the average number of lengths of cases and so forth. So I'm glad that has been resolved.

But so I don't have a recommendation specific to what I initially put in, but I wonder if I can make a recommendation about OAH telling committee members that they need to request that OAH responds or puts responses on the agenda because it's not really clear about that, so.

DIVISION CHIEF CASTILLO:

We'll take comments and we can make sure the recommendation -- I'll ask if there's a particular recommendation that you want.

The other thing is is that for any committee member or any member of the public, if a school district that you're aware of has a case and it doesn't show up, to please inform OAH. So the dashboard communicates with our case management system practice manager. And, occasionally, we update local education agencies because sometimes they change names. There have been some mergers, some splits, et cetera. And we're trying to be cognizant of when those happen, making sure that those get reflected in the dashboard, but they don't always.

And so if there is a school district, or charter school, so the same things that when there's a new charter school and that we have never had a case with, they're not in our system. And so that sometimes pops up with charter schools and we have to make sure that we've created them an entity, but have -- we've sent it over -- the table is the technical term. Has a table been sent over to our IT people and have we ensured that it's been loaded? That the new table's been loaded, so it'll grab the new information.

Any other comments on this agenda item by committee members?

Public comment? If you can please invite in Education Not Litigation?

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

Education Not Litigation, you are invited to unmute yourself. Your three minutes begins now. Please proceed.

EDUCATION NOT LITIGATION:

Thank you.

I am literally laughing out loud at what Mr. Castillo just said. So let me get this straight.

We're parents. Our kids are getting sued. In many cases, the districts, using law firms like FFF, are going to court to take custody away just because the parent is an advocate. They're hiring private investigators to follow us around. This is a real thing.

And now we, as parents, have to volunteer for the great State of California's IT Department to help them identify the cases that they've left out of the dashboard. I mean this is completely ridiculous.

It's a 7-billion-dollar -- billion with a B -- budget for special education. This is the State of California, the fifth largest economy in the world. And we have to volunteer for OAH's IT Department.

Now, the dashboard, if you can find it, would be great. But keyword -- try to find it. I went on the OAH website today. I had to look all over the place just to find the agenda for this meeting and to find the Zoom link.

And, Ms. Grosner, thank you so much for following up on this issue and for persisting because like the abused parent from Irvine Unified School District said, this is bamboozling. This is bamboozling.

You've been bamboozled by OAH for a year in the endless pretzel of the government bureaucracy. Go here, go there, stall and delay, and hope you forget. And a year later, here we are back to the same issue, and they're hoping that you forget. So thank you for doing your due diligence and following it up.

But this whole thing is completely ridiculous that it has taken this long just to get some basic information about the cases that OAH handles. It completely shows the hilarity of this kangaroo court system.

Thank you.

DIVISION CHIEF CASTILLO:

You can invite in Pam Ragland.

MS. RAGLAND:

Hi, all. So I'm going to have a view on this because I used to be the director of IT quality for an international company with multiple sites.

I would make a suggestion that what you have here is a process problem. So it sounds like if you're having to remember to give a table to somebody so that they can update something that what you need is a checklist so that if a new school comes on board or a new case is filed, that that's just a part of the process. That way, somebody is not having to remember that something did or did not happen. So a big part of getting your computer systems right is just having a process for how you do that. So I give you that free advice.

And then I would also say that if someone's telling you that the information is inaccurate because of whatever browser you're using, that sounds suspicious to me. I became the director of IT quality because I'm really good at testing software.

I can see that sometimes the formatting might not be right or the display might not be the same, but typically you're not going to have a difference in the data between different browsers.

Now, my ex-husband used to work for the State of California, so it wouldn't shock me if there were a lot of inefficiencies in the IT department. And when I was a consultant for Fortune 100 companies also, my specialty was technology. So certainly a lot of people have a problem with this, but I'm going to just make a suggestion that to start that somebody take a look at that process and make sure that the process is right. So you're not having to remember what to do. Because, certainly, information is only as valuable as what's going in.

And, then secondly, I do think there's value in separating out the cases that are filed by the schools versus the cases that are filed by the parents.

So that's my feedback. Thanks for listening.

DIVISION CHIEF CASTILLO:

Can you please invite in Irvine Abused Parent?

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

You are now able to unmute yourself. Your three minutes begins now.

IRVINE ABUSED PARENT:

All right. Thank you. Yes. I'd like to reiterate what -- all the -- Education Not Litigation stated. I don't -- I'm so confused.

How on earth would a parent know to tell OAH that a case is missing? How would they even know that that case existed to begin with? That's the whole reason why they're looking at the dashboard. That just doesn't even make sense to me.

So if something is missing, if there are cases missing, I don't know what they're missing. I'm looking for cases there.

And I'm really, really troubled by this constant throwing everything back to the parents. We aren't getting paid for this. In fact, we as parents are spending 24/7 dealing with disabled children, dealing with the school district, trying to figure out all of these legalities, trying to figure out what ex parte means and all of these things, and jumping through all the hoops of all these things.

And, now, you want us to tell you if something is missing. When all of you are getting paid? I mean this is just so ridiculous. I can't even believe I'm having to say this.

As public servants, everyone at OAH, including the IT department, needs to have a basic, efficient process and they need to know what they're doing, what the goal is, which is to provide information to all of the constituents, who are the parents and the school districts and all of the attorneys on either side.

And to keep throwing it back to parents, who are completely overloaded, completely overwhelmed, and to keep trying to bamboozle us and act like you're doing something when you're not, I'm just really floored.

So I am hoping against hope that OAH will really turn over a new leaf and actually become transparent and actually work and do the job that you guys are paid for, which I believe is several hundred thousand dollars, each, a year, that we as taxpayers are paying.

And this meeting, right here, is a microcosm of the difficulties that parents have in getting basic information. And this is appalling and it is embarrassing.

Thank you.

DIVISION CHIEF CASTILLO:

Any other public comment?

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

Yes. We have Irvine Abused Parent. Do you want me to let --

DIVISION CHIEF CASTILLO:

Yes. Please invite them in.

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

Okay. Sorry.

You have three minutes. Your time begins now.

IRVINE ABUSED PARENT:

I'm sorry. I just spoke -- I just spoke.

DIVISION CHIEF CASTILLO:

Okay.

IRVINE ABUSED PARENT:

Thank you.

DIVISION CHIEF CASTILLO:

Thank you.

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

Okay. Thank you.

DIVISION CHIEF CASTILLO:

All right. Any emails on this item?

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

There are no emails.

DIVISION CHIEF CASTILLO:

Okay.

Ms. O'Maley?

(This space intentionally left blank. Text continues on following page.)

MEMBER O'MALEY:

I just have (inaudible) I was kind of shocked to hear that Chrome isn't part -- that you can't access the dashboard, et cetera, and some of the parts of OAH with Chrome.

Being it's such a master search engine, where is that process?

DIVISION CHIEF CASTILLO:

They're -- oh, they're --

MEMBER O'MALEY:

Because --

DIVISION CHIEF CASTILLO:

-- working on it right now. I haven't -- the last update I received was that they were having issues with the dashboard working properly. When I mean properly, that you could submit a query, see it, and get the data.

I haven't checked on Chrome yet and I haven't heard an update back from our IT department on it, but it is a priority of them to get it working on those --

MEMBER O'MALEY:

Well, I make a request that --

DIVISION CHIEF CASTILLO:

-- on that -- on that platform.

MEMBER O'MALEY:

-- it be notified that (inaudible) maybe notified when that is up and working and the public be notified.

DIVISION CHIEF CASTILLO:

Okay.

MEMBER O'MALEY:

Because to say that everybody else sees Microsoft Edge, that's a browser I'll never use. So I just need to make sure that everybody can access. There should be equal access and universal access to the system. So there's going to need to be some kind of update to the public when that's available.

DIVISION CHIEF CASTILLO:

Ms. Grosner, would you have a proposed recommendation? As I indicated with the other agenda items, it does not have to specifically be what's in the agenda item.

MEMBER GROSNER:

Thank you, Your Honor. I'm trying to absorb all the things that everybody's been saying.

Member O'Maley had some thoughts, and I wondered. Does she want to make a recommendation based on, or just on, specifically about the website and maybe trying to get that information disseminated to people when that is corrected?

But I do have a question though, Your Honor. You mentioned that your website is not maintained by DGS, but it's a third party out --

DIVISION CHIEF CASTILLO:

No. It is not maintained by Office of Administrative Hearings, but by our Department of General Services.

MEMBER GROSNER:

Okay. So it's a IT department within DGS then, and not contracted out?

DIVISION CHIEF CASTILLO:

Correct.

MEMBER GROSNER:

Okay. All right.

DIVISION CHIEF CASTILLO:

It's not -- it is not contracted out.

MEMBER GROSNER:

Okay. All right. Did Member O'Maley want to make a recommendation?

DIVISION CHIEF CASTILLO:

Member O'Maley?

MEMBER O'MALEY:

(Inaudible) I would make a --

DIVISION CHIEF CASTILLO:

You're getting a -- it was a little fuzzy. I mean the sound was a little fuzzy. If you can just start over?

MEMBER O'MALEY:

Yes. I will try and do this on the fly. Committee --

DIVISION CHIEF CASTILLO:

Okay. And we --

MEMBER O'MALEY:

-- Member Grosner --

DIVISION CHIEF CASTILLO:

-- and we will work with any member on helping refine --

MEMBER O'MALEY:

Okay.

DIVISION CHIEF CASTILLO:

-- a recommendation, not -- you know, to get it to what they're trying to get.

MEMBER O'MALEY:

I would recommend a recommendation that OAH provide information to the committee and to the public of each search engine that is available to access the dashboard and inform the public of any limitations in accessing such dashboard.

DIVISION CHIEF CASTILLO:

Judge Yazigi, did you get the recommendation?

JUDGE YAZIGI:

I'm working on it. So I have the recommendation is that OAH provide information to the committee and to the public of each search engine that is available to access the dashboard and inform the public. Okay. That's where I was. Inform the public of -- was it any challenges in accessing the dashboard?

MEMBER O'MALEY:

Right. Challenges in accessing the dashboard.

JUDGE YAZIGI:

And inform the public of any challenges in accessing the dashboard. Got it.

MEMBER O'MALEY:

In other words, it has to be transparent. It has to be transparent to the public, so that when they can't get in on one search engine, they don't know they can only get it on Edge. So it needs to specify which search engines that the OAH dashboard is available on specifically and any challenges that are currently -- or that are presented in accessing the dashboard, so that when public members are trying to access it, they have accurate information that they can then work with.

Because they're trying one search engine and not getting on it. They don't know that it's a search engine you haven't yet, through your IT department, been successful yet. So they need to know that so that they can have the best shot at direct access without all the frustration that goes with it is from not knowing.

It just needs to be transparent. That's what I'm asking for.

So, Committee Member Grosner, do you have any edits you'd like to make to this since this is primarily thanks to you that you've raised this?

MEMBER GROSNER:

Thank you, Member O'Maley.

I think what you've raised is a good recommendation. I was just going ask ALJ Castillo if I can do a Part B to this? It relates to it.

DIVISION CHIEF CASTILLO:

Well, why don't we -- yeah. So I wanted to make sure that we got Member O'Maley's and --

MEMBER GROSNER:

Sure.

DIVISION CHIEF CASTILLO:

-- you had seconded. Then we'll -- similar to the --- we had a prior agenda, we'll do B.

MEMBER GROSNER:

Thank you.

DIVISION CHIEF CASTILLO:

So did you want --- I guess, I understand you put -- Member O'Maley, you put intent. But was what Judge Yazigi read your recommendation?

MEMBER O'MALEY:

Would she read it again, please?

JUDGE YAZIGI:

Gladly. That OAH provide information to the committee and to the public of each search engine that is available to access the dashboard and inform the public of any challenges in accessing the dashboard.

MEMBER O'MALEY:

The only thing I'd add to that is that OAH shall.

JUDGE YAZIGI:

Okay. So --

MEMBER O'MALEY:

So shall.

JUDGE YAZIGI:

-- and OAH shall inform the public of any challenges in accessing the dashboard.
Is that what you meant?

MEMBER O'MALEY:

Yes. Thank you.

JUDGE YAZIGI:

Okay. So I'm -- I've identified this as Agenda Item 18B. Correct me if I'm wrong. That OAH provide information to the committee and to the public of each search engine that is available to access the dashboard and OAH shall inform the public of any challenges in accessing the dashboard.

DIVISION CHIEF CASTILLO:

Correct.

Is there a second to the recommendation by Member O'Maley?

Member Luby?

MEMBER LUBY:

I'll second that.

DIVISION CHIEF CASTILLO:

Okay. We have a second.

Ms. Grosner, you indicated that you would like to make a separate recommendation on this agenda item?

MEMBER GROSNER:

I would. I had seen the public comments. There was something that I had heard that I thought would be really beneficial for the members of the public, as well as advocates and attorneys.

It's that if the dashboard can list the cases that are filed by school district versus parent. So that would be my recommendation.

DIVISION CHIEF CASTILLO:

Judge Yazigi?

JUDGE YAZIGI:

I'm a little lost.

MEMBER GROSNER:

Sorry. Yeah.

JUDGE YAZIGI:

So, going back to, I guess we're calling this Agenda Item 18A, and please correct me if that's wrong.

But initially 18A was Member Grosner's recommendation that OAH provide a response regarding the dashboard from the last agenda. And so that goes away.

Can you, Member Grosner, please repeat the new recommendation?

MEMBER GROSNER:

Yeah. So mine is Part B and O'Maley had Part A, the new Part A.

JUDGE YAZIGI:

Oh, okay.

MEMBER GROSNER:

And so I guess I would phrase it as recommend that OAH puts on their interactive dashboard cases filed by school district and also by parent or have that -- it can say school district, as well as by parents. So people can search either way.

JUDGE YAZIGI:

So that OAH include cases filed by parents, as well as school districts, on its interactive dashboard?

MEMBER GROSNER:

Yes. That sounds good.

JUDGE YAZIGI:

Okay. And have I captured the entirety of your recommendation, Member Grosner?

MEMBER GROSNER:

Can you repeat it one more time, please?

DIVISION CHIEF CASTILLO:

Actually, I want to clarify.

We do keep track of both, but it's a cumulative total. It's not separated. So if you're looking at Los Angeles Unified, if there's a hundred cases, it just shows a hundred cases. It doesn't say, you know, 90 were filed by parents against LA Unified and 10 were filed by LA Unified against parents. It's just a grand total of the number of matters.

MEMBER GROSNER:

Yes, your honor. So I would like to request that that be a searchable option, or a feature if you will, that they can search LA Unified and find out what cases were brought forth by school district versus the parent.

JUDGE YAZIGI:

So what I have right now is that OAH include cases filed by parents, as well as school districts on its interactive dashboard.

And, Member Grosner, you were going to fine tune that a little further?

MEMBER GROSNER:

I didn't hear the first part. I guess I wanted to request that it be searchable via -- or searchable by school district or searchable by parent. Like it can be broken out, so it could -- you can search for either/or.

So I guess so just searchable by either parent or searchable by school district.

JUDGE YAZIGI:

Okay. So that the OAH interactive dashboard -- the cases included on the OAH interactive dashboard be searchable by parents, as well as school district -- or parent-filed cases, as well as school district-filed cases. Is that accurate?

MEMBER GROSNER:

Yes. That sounds good. Thank you.

DIVISION CHIEF CASTILLO:

Do you have a question, Member O'Maley?

MEMBER O'MALEY:

She was suggesting possibly a drop-down menu where you could have parent cases, and drop-down menu school district cases, or if you want them actually separated. You could use the language separated, that they be separated, or that we could have a drop-down menu where you could then search parent-initiated cases versus school district-initiated cases.

So in that way they would be separated as well. That you could act as either through like a drop down menu. I'm just suggesting either a drop-down menu or the word separated.

DIVISION CHIEF CASTILLO:

Member Grosner?

MEMBER GROSNER:

Yes, it would have to be something like that. It has to be an additional feature that is added to the interactive dashboard. So I think a feature like a drop-down would probably suffice. I'm sure there's other methods that can be put on the interactive dashboard. But, yeah, something to that effect would be helpful.

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DIVISION CHIEF CASTILLO:

I'm going to try to reframe it; and correct me if I don't have it.

The recommendation that OAH have, on its interactive dashboard, a drop-down menu for a person to search cases -- the number of cases filed by a school district against the parent and the number of cases filed by a parent against a school district.

MEMBER GROSNER:

Yes, Your Honor.

DIVISION CHIEF CASTILLO:

Member O'Maley?

MEMBER O'MALEY:

I didn't think we were talking about the number of cases. I thought we were talking about actual parent cases filed and you could search those versus school-initiated cases, and you could search those.

Not just looking -- not a drop-down number that said there were, you know, 88 parent-initiated and 12 school district-initiated. I thought we would actually be able to search the cases in that drop-down menu; the actual cases, not just learn the number of cases.

DIVISION CHIEF CASTILLO:

Currently, the dashboard just has numbers; and I indicated it's a cumulative number of cases --

MEMBER O'MALEY:

Okay.

DIVISION CHIEF CASTILLO:

-- whether or not it's student filed against district or district filed against parent.

MEMBER O'MALEY:

Okay.

DIVISION CHIEF CASTILLO:

So that's one. If you'd want -- if somebody wants a way to see case numbers, that would be a new -- that's not what the dashboard has. It'd be a new build.

Okay. So, Ms. Grosner, would you like to keep the recommendation as I currently reframed it?

MEMBER GROSNER:

Yes, Your Honor.

DIVISION CHIEF CASTILLO:

Okay.

Do you have that, Judge Yazigi?

JUDGE YAZIGI:

I'm not sure that I do. I'm trying my best to keep up with the conversation. So here's what I have; and if it's wrong, Member Grosner, please feel free to just dictate to me.

That the cases included on the OAH interactive dashboard be searchable by parent-filed cases and district-filed cases through a drop-down menu feature.

MEMBER GROSNER:

Yes.

JUDGE YAZIGI:

Okay.

DIVISION CHIEF CASTILLO:

Do we have a second for that?

Member O'Maley?

MEMBER O'MALEY:

I second it.

DIVISION CHIEF CASTILLO:

Okay.

Are there any further discussions about this agenda item and the recommendations put forward by Ms. O'Maley or Ms. Grosner?

Looking at for public comment on the proposed recommendations, can you please invite in Education Not Litigation?

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

Education Not Litigation, you are free to unmute and your three minutes begin now.

EDUCATION NOT LITIGATION:

Thank you.

I want to go back to the issue of the web browser and this preference for Microsoft Edge. OAH is a public agency. It's a State agency. The IT department at DGS works for a public agency, a State agency.

So I don't think it is appropriate for the State to be making a decision that will give Microsoft a competitive advantage over its competitors. I mean, basically, the State is dictating one vendor over another.

And it seems to stem from the principle that DGS is trying to save money versus making it more accessible for parents. I mean, what happens if parents don't have Microsoft capabilities and they have Google? Now the State of California has just made a decision that we're going to X Google out of this process.

I think that has a lot of implications of appearance of impropriety and antitrust issues, promoting one company over the other. It's almost like an evergreen contract where you're handing the business to Microsoft Word -- or I mean Microsoft Edge.

So I have a lot of problems with going along with that -- with just that part of the process. I mean, the dashboard comments that have been made are great. But this

whole IT process, that IT just decided that we're only going to work with Microsoft products and we're going to tell members of the public that, hey, you better get Microsoft because nothing else is going to work with the OAH dashboard. That's very, very problematic.

Thank you.

DIVISION CHIEF CASTILLO:

IEP Mom?

And before, I'd like to indicate that we're not mandating one or the other. There was just difficulties that our tech department was working on with the intent of both, since they're both two major ones and for us, or OAH and Department of General Services, both browsers are on our system and loaded are Department-approved browsers.

So, IEP Mom, you may unmute yourself and your time starts.

IEP MOM:

Thank you.

I think it's interesting to hear your conversation regarding the technical issues and having to do new builds and what your checkers have done or are capable of or aware or know how to do and all that when they're specifically paid to do exactly what is being requested of them. That should not be a difficult task.

For a lot of high school students, they could go in there and take care of that in no time at all. Yet, all of the millions of dollars that OAH is receiving and it gets difficult for them. That's just mind-boggling.

But, on the same -- you know, on the same line, OAH expects us parents to be able to navigate your secure system, to go in and upload, and be able to read and access, and use all that technology that your tech department is struggling with for us to be able to access due process.

If your own tech department cannot handle their responsibilities, how are we supposed to be able to have the knowledge and experience to be able to access due process? It's just unreasonable.

Thank you.

DIVISION CHIEF CASTILLO:

Irvine Abused Parent, will you please let in?

IRVINE ABUSED PARENT:

Hi. Thank you.

Well, Mr. Castillo, I heard you say that this is the IT department of DGS. And so it is not being contracted out. I find that really fascinating, because for years and years, the OAH website has completely denied that it has anything to do with DGS. It has completely said that it's a completely different office from DGS.

So I will say I appreciate your honesty in finally admitting that OAH is a division of DGS, which it always has been, but the OAH website has said it's a -- OAH is a completely independent office.

So that goes to the whole problem here that we've discussed multiple times. It's that DGS's mission is to save the state money and if you -- if all of OAH ALJs think that their job is to save the State money, then obviously they are going to be more disposed to rule in favor of school districts.

And you're going to be more amenable to withholding information from parents, which we've seen over and over again in this meeting; and this dashboard is just another example of making it hard for parents to get information, making it hard to level the playing field, so that OAH can rule in favor of the school districts and save money.

And, you know, so on the one hand, thank you for finally being honest about OAH's role as a division of DGS, but that just proves that there is a conflict of interest here.

Thank you.

DIVISION CHIEF CASTILLO:

Can you please invite in IEP Mom?

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

You may unmute yourself. Sorry. Your three minutes begins now.

IEP MOM:

No. I didn't raise my hand. I didn't put my hand down (sic). Thank you.

DIVISION CHIEF CASTILLO:

Can you please invite in Pam Ragland?

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

Ms. Ragland, your three --

MS. RAGLAND:

Hi, all.

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

-- your three minutes begins now.

MS. RAGLAND:

Thank you.

I just wanted to make a suggestion because it's really easy to solve this issue of the browser thing.

On many websites, you've probably seen it, but all you need to do is make a comment that says, these are the recommended browsers that work with our system. And when you have browsers that aren't working, you can change that. And you could even just have a little comment area that says, we're working on getting this browser working. It's really very easy.

And to do another build, I don't know what system -- I'm getting in the technical weeds. I don't know what it's programmed in, but literally I've worked with all kinds. There's really just nothing that's impossible to do something like this. I'm not exactly sure why it's so hard. I assume there's some inefficiencies in that department, but I don't know that for a fact.

But anyway, I'm just going to say that this should not be so hard. So if it's taken, like, all this time to fix this problem, that's interesting to me because that points out some inefficiencies elsewhere in our State agencies, which again does not shock me.

Anyway, that's it. Easy to fix.

DIVISION CHIEF CASTILLO:

Any emails?

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

There are no emails at this time.

DIVISION CHIEF CASTILLO:

So we have two recommendations on this topic. First from Ms. O'Maley and second from Ms. Grosner. I'm going to ask Judge Yazigi to read Miss -- Member O'Maley's recommendation and then we'll take a vote on that.

And, then, after that vote, we'll have Judge Yazigi read Member Grosner's recommendation and we'll take a vote on that one.

JUDGE YAZIGI:

All right. As far as Agenda Item 18A, the recommendation is that OAH provide information to the committee and to the public of each search engine that is available to access the dashboard, and OAH shall inform the public of any challenges in accessing the dashboard.

DIVISION CHIEF CASTILLO:

Okay. We'll vote. Member Shaw?

Mr. Shaw?

MEMBER SHAW:

Yes.

DIVISION CHIEF CASTILLO:

Member Little?

MEMBER LITTLE:

Yes.

DIVISION CHIEF CASTILLO:

Member Anderson?

MEMBER ANDERSON:

Yes.

DIVISION CHIEF CASTILLO:

Member Luby?

MEMBER LUBY:

Yes.

DIVISION CHIEF CASTILLO:

Member Grosner?

MEMBER GROSNER:

Yes.

DIVISION CHIEF CASTILLO:

Member Lewin?

MEMBER LEWIN:

Yes.

DIVISION CHIEF CASTILLO:

Member O'Maley?

MEMBER O'MALEY:

Yes.

DIVISION CHIEF CASTILLO:

Member Walden?

MEMBER WALDEN:

Yes.

DIVISION CHIEF CASTILLO:

Member Singh?

MEMBER SINGH:

Yes.

DIVISION CHIEF CASTILLO:

Agenda Item 18A is passed unanimously. OAH will issue a response to that recommendation.

If you can please read 18B, Judge Yazigi?

JUDGE YAZIGI:

Yes, 18B, that the cases included on the OAH interactive dashboard be searchable by parent-filed cases and district-filed cases through a drop-down menu feature.

DIVISION CHIEF CASTILLO:

Okay.

Member Shaw?

MEMBER SHAW:

Yes.

DIVISION CHIEF CASTILLO:

Member Little?

MEMBER LITTLE:

Yes.

DIVISION CHIEF CASTILLO:

Member Anderson?

MEMBER ANDERSON:

Yes.

DIVISION CHIEF CASTILLO:

Member Luby?

MEMBER LUBY:

Yes.

DIVISION CHIEF CASTILLO:

Member Grosner?

MEMBER GROSNER:

Yes.

DIVISION CHIEF CASTILLO:

Member Lewin?

MEMBER LEWIN:

Yes.

DIVISION CHIEF CASTILLO:

Member O'Maley?

MEMBER O'MALEY:

Yes.

DIVISION CHIEF CASTILLO:

Member Walden?

MEMBER WALDEN:

Yes.

DIVISION CHIEF CASTILLO:

Member Singh?

MEMBER SINGH:

Yes.

DIVISION CHIEF CASTILLO:

That has passed; 18B has passed unanimously and so OAH will respond to that recommendation.

We have reached the time of 1:08 p.m. We have exceeded the agenda -- the time listed in the agenda for the meeting. As similar to the last meeting, we will not be getting to Agenda Item 19 recommendation.

If any member would like that to be the next, in June, that will need to be proposed again for the June agenda item, as we do not automatically carry over agenda items.

And, at this time, it would be public comment period. If there's any member of the public who would like to make a comment, this is the time for general comment.

And then after that, we will -- any email public comments that we may have received.

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

We have one.

DIVISION CHIEF CASTILLO:

Okay. Education Not Litigation? If you would please invite that person in?

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

You are -- you have three minutes to begin now.

EDUCATION NOT LITIGATION:

Thank you.

I want to start with the issue of postponement of agenda items that go into the ether and never come back and this process of the non-transparency of OAH and the public basically not being informed on how OAH decides to either accept or reject the committee's recommendations.

Every member on this committee needs to be pushing for that. You need to know when you make a recommendation, what happens to that recommendation. And, yes, OAH issues a response in the following meeting, or in the minutes, but you need to know who's making those decisions.

These are not inanimate objects. These people run these government agencies, so you need to hold them accountable. So I hope you will pursue that.

And I also wanted to mention that it was recently in the news that the Antelope Valley School District fired the law firm of Fagen Friedman & Fulfrost. And one of the allegations -- there's now an internal investigation. One of the allegations is that they did work that was never authorized by the school district.

And it brings me back to the point that we've been making about OAH needs to verify that when these attorneys for the districts are signing a notice of representation saying, we're representing District XYZ, that they really have authority from the Board. Because I can tell you that they don't.

When they go to argue before OAH saying we're representing this case on behalf of District XYZ, in 90 percent of the cases, that school board has no clue. Because in the West End SELPA, parents have been bringing up that issue of how the Brown Act is being sidestepped only for special education.

Because if a kid with -- in general education gets sued, or an employee gets sued, that item goes to the Board. But they have decided to interpret the law that somehow the Brown Act doesn't apply to special ed cases.

So when OAH is accepting these cases on attorneys like FFF saying, here we are, representing District XYZ, you need to know that that's not necessarily the case and you need to be verifying that.

Thank you.

DIVISION CHIEF CASTILLO:

Thank you.

Can we please invite in Pam Ragland?

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

Ms. Ragland, you have three minutes. You may begin now.

MS. RAGLAND:

Thank you. Two comments. Number one, I actually want to comment on what was just said. It's funny you say that because I just had a case where the agreement said that the Board needed to approve the agreement and we let OAH know and the attorney came back and said, oh, no, no, the Board doesn't need to approve the agreement. And I said, well, that's what the agreement said. She said, oh, that's boilerplate; and I said, well, we're not going to dismiss the case without knowing that. I'm not taking your word for it.

So I said I'd like to see the meeting minutes where the Board approved authorizing this special education director to make this decision without the Board, which, by the way, they did not produce.

So, of course, there is a process that they have to go through and if the Board's not approving the special education director making those decisions, that is a concern on many levels.

The second thing is I'd like to just throw out there to revisit this policy of Xavier Becerra's AG opinion, which is not binding, and how OAH has implemented that to

mean that advocates cannot assist parents in due process or even in mediation. And I've literally seen judges tell advocates to shut up, that they cannot record the hearing by assisting their client. These things violate the IDEA.

So that's very concerning to me because I believe that that issue, which was, again, a not-binding opinion, I believe that it is limiting the access of special needs' students to whoever it is that may be able to best assist them. And it's not compliant with IDEA. And we could end up losing our funding because California is not compliant with IDEA over that issue. IDEA, and even California law, plainly says that parents are allowed to be assisted by persons with specialized knowledge; and it's worded a little bit differently between the two, or/and attorneys, okay?

So it doesn't mean or. It doesn't mean one, at the exclusion of another. It doesn't mean that attorneys are in there and the parents are not allowed to have an advocate.

So I'm just going to ask OAH or someone to reintroduce this and go back and revisit that issue because I believe that we are risking our funding from the federal government by having that issue be put in place like that.

And in many other states, this is not a legal process like we have here. But if somebody re-evaluates that decision, they're going to see that the way that it was looked at in terms of the administrative hearings is under a completely different section and it's incorrect.

So thank you for hearing me.

DIVISION CHIEF CASTILLO:

Thank you.

Invite in Irvine Abused Parent?

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

You are now free to unmute yourself and two minutes begin now -- three minutes. Excuse me.

IRVINE ABUSED PARENT:

Thank you. Three minutes, okay. A couple of different issues here.

I did want to mention about the Item Number 19, even though you said it's going away. I think that this is just another bamboozlement, just like the ex parte explanation.

Now, I'm not an attorney, but I did look up the deliberative process privilege. And just like the ex parte issue, this is relating to specific litigation or court action. We're not talking about that here.

We're talking about this little voodoo magic that you're doing behind closed doors, not in relation to any court proceeding. So I don't -- this to me just sounds like - - I'm trying to find a good word -- not the truth.

So I think that this is just another example of how you are throwing out all these big legal terms to try to throw off us parents, thinking that we won't look them up, thinking that we don't know what they mean and that -- you know, and it's really disconcerting because obviously the entire intent is to not provide transparency.

And as government workers, as public servants, that is your number one -- number one mission is to be transparent to taxpayers.

I would also like to address the issue about parents -- about litigation needing to be verified by OAH. Irvine Unified School District right now has seven cases on the OAH calendar. I just brought this up at a board meeting the other day. None of those cases were ever presented to the Board. They are not on the Board agendas. The Board didn't even know that there are seven cases.

So the Board is not approving these and the Board has never delegated anyone to have that authority. So those seven cases that are before OAH right now have never been properly approved by the elected officials.

So those cases, as far as I'm concerned, as far as I know, are not legitimate and cannot go through. And if those attorneys know that, I think that they would have a good case for dismissing any ruling from the ALJ. And so certainly the ALJs need to be aware of that and OAH needs to verify.

And, thirdly, about the mediation and about the advocate issue. Yes. As I spoke about before, OAH has actually printed material saying advocates cannot come to things like mediation only. And, in fact, I went to a mediation and the ALJ --

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

I'm sorry. But your three minutes are up.

DIVISION CHIEF CASTILLO:

Please invite in Natalie.

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

Natalie, you are able to unmute yourself and your three minutes begin now.

NATALIE:

Okay, great. So I just have a couple of things.

First, I've been scouring your website this entire time trying to find, like, where the agenda is. I still can't find it. I didn't know about this hearing. Somebody had texted me last minute. So I don't understand why, like, parents don't know about this.

Second, how do I make a recommendation for the next meeting? And why is the next meeting in June? That's like -- it feels like a year. Like, so if somebody can send something out, like, you know, that we can make recommendations and the meetings should be more frequently.

Secondly -- or thirdly, you know, this whole setup, the OAH, is like an obvious conflict of interest and it's a violation of the procedural safeguards of the IDEA if you read it. You know, parents are entitled -- well, children, we represent our children, are entitled to a fair and impartial hearing and it is clearly a conflict of interest that, you know, it's the DSG that's running this. You know the State is your boss. So I don't -- like I feel like passively this whole, you know, these meetings are possibly a waste because that won't change.

So I think that OAH needs to meet with the California Department of Education and it needs to be separated.

And the other thing is where are your Form 700s for the ALJs? All judges have -- you know, I can find their Form 700s online. I can't find any of your ALJs information. I think that we need -- parents are entitled to disclosures of the judges because there's serious conflicts of interest here.

This is like a -- this whole thing is like a big constitutional violation of children's rights. Thank you.

DIVISION CHIEF CASTILLO:

IEP Mom?

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

IEP Mom, you may now unmute yourself. Your three minutes begins now.

IEP MOM:

Thank you. I just have a couple of things. One is in reference to not being able to --

DIVISION CHIEF CASTILLO:

Oh, I'm sorry. We have a question from the interpreter. I'm sorry. You will get your time back.

IEP MOM:

Okay.

DIVISION CHIEF CASTILLO:

Ms. Tamez?

INTERPRETER TAMEZ:

Your Honor, according to my watch, it's 1:26. I have another meeting at 1:30. I don't know what to do.

DIVISION CHIEF CASTILLO:

We have one more comment and that will be it.

INTERPRETER TAMEZ:

Okay.

DIVISION CHIEF CASTILLO:

Ms. Tamez, we have made that the services for the whole day, even though this meeting was in -- so we have paid for the whole day of your service.

INTERPRETER TAMEZ:

Oh, I see. Because I was -- in my -- in my request, I was scheduled from 9:30 to 1:00 p.m. and that's the schedule that I have. So I scheduled another appointment at 1:30.

DIVISION CHIEF CASTILLO:

All right. But we have paid for a full day of service.

INTERPRETER TAMEZ:

Okay. Okay, sir. So I will continue with you guys and let me just send a quick email to the next appointment.

DIVISION CHIEF CASTILLO:

Okay.

INTERPRETER TAMEZ:

Go ahead, Your Honor.

DIVISION CHIEF CASTILLO:

Thank you.

INTERPRETER TAMEZ:

Thank you.

DIVISION CHIEF CASTILLO:

Okay. IEP Mom, your time will start when you start speaking. I'm sorry about that.

IEP MOM:

That's okay. Thank you.

I wanted to speak to the issue of not being permitted to have a mediator -- I mean an advocate -- at mediation or at any of the due process hearing and Prehearing Conference.

Recently, I wasn't able to attend and filed a motion for continuance. That motion should have been resolved without me attending the Pre-Conference (sic) hearing

because I filed it timely. However, OAH required me to attend. The reason I filed a continuance was because I could not attend. My daughter was fighting for her life in ICU.

So I sent an advocate to attend in my stead, even though I had already filed the proper motion timely. She was not permitted to speak. She was told that it was a violation of my child's privacy or something when I was the one that sent her and gave her permission to be there.

So because FFF told her she could not speak, the ALJ sided with them and told her she could not speak and sent her out of the room. She was there because I could not be there.

So two issues, one, I filed timely. I should have not had to attend the Pre-Conference hearing. It should have been granted. It was eventually granted. But there should have not been a requirement to attend.

But OAH has changed the policy where even though you file for a continuance because you cannot attend, you're required to attend the Pre-Conference hearing. That makes no sense.

So I was not afforded due process there. She had to leave and I later did get the continuance. However, she was not able to speak on my stead.

Second, when I hear you say that you're going to take this and consider recommendations that have been voted on and approved, and OAH is going to

consider them, who exactly is OAH that is meeting to discuss this? Who are the individuals and how are they voting? Because we don't get to know any of that.

We would like more transparency on how the voted and approved recommendations are then denied. Thank you.

DIVISION CHIEF CASTILLO:

Are there any email comments, Ms. Crom?

ASSOCIATE GOVERNMENTAL PROGRAM ANALYST CROM:

There are no email comments at this time.

DIVISION CHIEF CASTILLO:

Okay.

Ms. O'Maley, would you like to make a public comment?

MEMBER O'MALEY:

I didn't do that. Why did it do that? The only comment I want to make is if we could get my name spelled correctly, my first name, in future hearings.

DIVISION CHIEF CASTILLO:

We will take care that in the future.

MEMBER O'MALEY:

Thank you. Thank you.

DIVISION CHIEF CASTILLO:

Also, yeah, take care. With that, this meeting concludes and we will -- the next meeting will be on June 21st, 2024. We'll start at 9:30 a.m. and go through 1:00 p.m. Thank you very much.

(Recording Ends)

CERTIFICATE OF TRANSCRIPT

I, Michelle Busby, hereby certify that this transcript is a true, complete, and accurate transcription of the recording of the Special Education Advisory Committee meeting that took place on October 20th, 2023, Office of Administrative Hearings, via Zoom videoconference. This is the corrected 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 Sacramento, California on the 13th day of November, 2023.

Michelle Busby

Transcriber

Northern California Court Reporters