

ADVISORY COMMITTEE MEETING

JUNE 16, 2023

OFFICE OF ADMINISTRATIVE HEARINGS' RESPONSE TO
COMMITTEE RECOMMENDATIONS

AGENDA ITEM 14:

RECOMMENDATION:

That OAH provide the criteria it uses to decide a "representative sample" of orders for the most filed motions, and what "orders that OAH deems of sufficient importance to post".

OAH RESPONSE:

This recommendation requests information protected by the Deliberative Process Privilege regarding OAH's decision making process.

AGENDA ITEM 15(B.):

RECOMMENDATION:

That ALL OAH add orders/decisions to its public database.

OAH RESPONSE:

OAH is only required to post orders on the website that the Special Education Division deems to be of sufficient importance to be of assistance to members of the public appearing before the agency on special education matters, as required by its contract with the California Department of Education. The sample orders on the website include rulings on amended complaints; consolidating matters; continuances; dismissing complaints, parties, or issues; expedited issues and cases; notice of insufficiency; orders to show cause; peremptory challenge; stay put; and decisions by settlement. OAH will include representative samples of orders involving requests for sanctions and where OAH shifted costs. OAH has deemed the samples posted on the website to be of sufficient importance to be of assistance to the public.

AGENDA ITEM 16:

RECOMMENDATION:

That OAH allow the public to observe live those videoconference hearings that the parents ask to be a public hearing.

OAH RESPONSE:

OAH will develop a process how members of the public may observe a special education hearing is open to the public at parents' request and how to access the video link to observe the open hearing.

AGENDA ITEM 17:

RECOMMENDATION:

That OAH communicate in writing (provide written documents or notification to parent's address of record) with self-represented parents who do not chose to sign up for the e-filing system and that OAH include a proof of delivery of such communication.

OAH RESPONSE:

OAH only sends documents to parties or their attorneys through the OAH electronic Secure File Transfer system if the person has signed a Consent to Electronic Service Agreement form. OAH will not obtain a proof of delivery for documents not served by its electronic system.