

OFFICE OF ADMINISTRATIVE HEARINGS
SPECIAL EDUCATION ADVISORY COMMITTEE
OCTOBER 2020

OAH RESPONSES TO COMMITTEE RECOMMENDATIONS FROM JUNE 2020 MEETING

The Office of Administrative Hearings (OAH) Special Education Advisory Committee met on June 19, 2020. The meeting was conducted via videoconference and open to the public via a Teams Live Event webcast. During the meeting, the Advisory Committee made one recommendation to OAH.

RECOMMENDATION:

1. That OAH request verification from districts to ensure that they actually have standing to participate in due process and that the case has been approved by the school board as the Brown Act requires.

OAH RESPONSE:

OAH rejects this recommendation. OAH has limited jurisdiction. A local educational agency such as a school district is entitled to file a request for due process. Similarly, a parent or student may file a due process complaint against a school district. OAH has no authority or responsibility to look behind the complaint to determine if a governing board has authorized the prosecution or defense of a due process filing. Whether a school district has complied with state law regarding open meetings or the Education Code regarding the duties and responsibilities of governing boards is not within OAH's jurisdiction.