

ADVISORY COMMITTEE MEETING

10/18/24

OFFICE OF ADMINISTRATIVE HEARINGS' RESPONSE TO COMMITTEE RECOMMENDATIONS

AGENDA ITEM 4B:

Recommendation:

That OAH provide written criteria being used to consider requests for in-person mediations and hearings on a "case-by-case basis."

OAH Response:

OAH will place on its website orders in which it ruled upon a party's request for an in-person mediation or hearing so people may see the factors and law OAH considers.

AGENDA ITEM 5:

Recommendation:

That a contact person be named for OAH Advisory Committee members rather than the generic "OAHSEOps@dgs.ca.gov" email address.

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

OAH Response:

To ensure that OAH timely responds to emails, OAH will continue to use a shared email box that is continuously monitored for OAH Advisory Committee members' emails. All OAH email responses will have the name of the person responsible for the email.

AGENDA ITEM 6A:**Recommendation:**

That OAH provide a written description of the process by which OAH Advisory Committee proposed agenda items are accepted or rejected, and also disclose the specific proposed items that were rejected on the agenda - including the specific staff involved and the criteria used – or provide the specific facts showing that the public interest in not disclosing the process outweighs the public interest of disclosure of the process.

OAH Response:

OAH proposes that the Special Education Advisory Committee consider and discuss at the June 20, 2025 meeting that for subsequent meetings that the Northern and Southern California committee chairs will jointly select the Agenda items for discussion and the order of presentation of the Agenda items. OAH would then place the Agenda items selected by the Northern and Southern California committee chairs on the final Special Education Advisory Committee Agenda.

AGENDA ITEM 6B:

Recommendation:

That OAH provide a written description of the process by which OAH Advisory Committee recommendation that have been approved by the committee by vote are accepted or rejected, including the specific staff involved and the criteria used – or provide the specific facts showing that the public interest in not disclosing the process outweighs the public interest of disclosure of the process.

OAH Response:

OAH discusses proposed Special Education Advisory Committee recommendations internally with OAH staff with specialized knowledge about a proposed recommendation. OAH may obtain information from the Department of General Services, Enterprise Technology Services if the proposed recommendation involves technology. The OAH Director makes the final decision regarding OAH's responses to any Special Education Advisory Committee proposed recommendation.

AGENDA ITEM 7:

Recommendation:

That each ALJ shall create their own standing order which specifies how the ALJ will deal with witnesses, evidence, issues for hearing, and other issues related to the due process proceeding. Standing orders shall be published on the OAH website and provided to parties in the event the ALJ is reassigned.

OAH Response:

The standard OAH Prehearing Conference orders, along with the scheduling order issued in every case, contain the information for the parties to prepare for hearing. OAH strives to the extent practicable for uniformity on the processing of witnesses, evidence and issues for hearing.