

TRANSCRIPTION OF RECORDED MEETING

OF

SPECIAL EDUCATION DIVISION

ADVISORY COMMITTEE MEETING

JUNE 20, 2025

Advisory Committee Members Present:

DANIEL SHAW

APRIL MCCOY ALFONSO

PADRON DAVID MOLINA

EUGENE MOSQUEDA

KIMBERLEE O'MALEY DAVID

PALMER

DEBRA KAMM

LAUREN-ASHLEY MENDEZ

JUSTIN SHERRILL SUZANNE

SNOWDEN

OAH Staff Present:

ANNA BROWN

PETER PAUL CASTILLO

LAURIE CROM

COLE DALTON

TRINITY DORANTES

TARA DOSS

JOY REDMON

BOB VARMA

CLAIRE YAZIGI

Spanish Interpreters:

MARC GUTIERREZ

LETICIA REYNA

Transcribed by:

NICHOLAS SHUPE, 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.

JUNE 20, 2025

DIVISION CHIEF CASTILLO:

Please start the closed captioning. Okay. And Mr. Gutierrez, are you ready?

INTERPRETER GUTIERREZ:

Indeed, I am. Thank you.

DIVISION CHIEF CASTILLO:

Okay. Good morning, everybody. Welcome to the 2025 Special Education Advisory Committee Meeting. Okay. Mr. Palmer I want to do the translation instructions first before getting to your question.

I will be explaining the Zoom interpretation function. For video conference attendees that would like to listen to this meeting in Spanish, we will be shortly turning on the interpretation feature. The interpretation feature is not available for telephone participants.

When this feature is turned on, you will see a button on your media controls at the bottom of your screen labeled, "interpretation." You will need to click that button and select the language in which you want to listen to the meeting.

Specifically, you must choose either English or Spanish. The interpreter, we're only broadcasting their voice into the Spanish channel. And if you're not listening to the Spanish channel, you will not hear the interpreter.

If the interpreter is interpreting from Spanish to English, the interpreter will be broadcasting in the English channel for the Committee and everyone else to hear. For people who do not want to listen to - in Spanish, please choose the English channel when it appears.

Will you please turn on the interpretation feature? You should see the interpretation feature in the bottom of your screen. Please choose the language that you want to listen into.

Mr. Palmer, you had your hand up.

MR. PALMER:

I'm good now, thank you.

DIVISION CHIEF CASTILLO:

Okay, thank you. This meeting started five minutes late, so we will end at 1:05 p.m. I'm sorry for the difficulties in there. I would like to call this meeting to order. Welcome to the June 20th, 2025 Special Education Advisory Committee Meeting for the Office of Administrative Hearings.

This is a reminder. This is an open meeting. Notwithstanding the warning that had come up when you had logged on about recording, members of the public and members of the committee may record this meeting through their own personal devices, whether or not audio or video-recording.

That is specifically required under the Public Records Act request, so just reminding people to please ignore the message that came out in the beginning. That's applicable to our hearings and mediations, and since this is a public meeting, anybody can record.

The Office of Administrative Hearings itself is recording this in order to prepare a transcript. After the meeting is concluded, we send the recording off to a transcriber to prepare a transcript, and then the transcript will be posted on our website.

We do not have chat enabled in this meeting, so any communication will be -- I'll discuss later about raising hands to be called upon. There is no chat enabled in this meeting.

And I would like to thank the members for attending. I, myself, our Division Chief, Administrative Law Judge, Peter Paul Castillo with the Office of Administrative Hearings.

We'll have attending Deputy Director Bob Varma in the Office of Administrative Hearings. Also attending in the Sacramento office is Presiding Administrative Law Judge Joy Redmon. Also attending is -- by video conference, is Presiding Administrative Law Judge Tara Doss. And I would like to introduce our newest presiding administrative law judge, Cole Dalton, and Cole is based in our Los Angeles office.

With that, I would like to establish a quorum. I will be taking roll. Please, answer present if you're here. Additionally, for committee members that are here, the requirements of the Open Meeting Act require that you have your camera on at all times; however, if there's a technical difficulty that you're having that you're unable to have your camera on at all times, please raise your hand, and I will explain the

provisions of the administrative -- I mean, of the Open Meetings Act that will allow you to have your camera off during portions in which you're listening to, and how to participate when you are talking to turn your camera on.

So, with that, I will do roll to establish a quorum. First, I will start in Northern California. Alfonso Padron.

MR. PADRON:

Present.

DIVISION CHIEF CASTILLO:

Present. April McCoy?

MS. MCCOY:

Present.

DIVISION CHIEF CASTILLO:

Daniel Shaw?

MR. SHAW:

Present.

DIVISION CHIEF CASTILLO:

David Molina?

MR. MOLINA:

Present.

DIVISION CHIEF CASTILLO:

Eugene Mosqueda?

MR. MOSQUEDA:

Present and good morning.

DIVISION CHIEF CASTILLO:

Thank you. And Jennifer Adams? Okay. Ms. Adams has indicated that she would not be able to attend this meeting, so we have -- by present in Northern California, we do have a quorum.

For Southern California, David Palmer?

MR. PALMER:

Present.

DIVISION CHIEF CASTILLO:

Thank you. Debra Kamm?

MS. KAMM:

Present.

DIVISION CHIEF CASTILLO:

Justin Sherrill?

MR. SHERRILL:

Present.

DIVISION CHIEF CASTILLO:

Kimberly O'Maley?

MS. O'MALEY:

Present.

DIVISION CHIEF CASTILLO:

Thank you. Lauren-Ashley Mendez.

MS. MENDEZ:

Present.

DIVISION CHIEF CASTILLO:

Suzanne Snowden?

MS. SNOWDEN:

Present.

DIVISION CHIEF CASTILLO:

We have six members attending in Southern California.

We have a quorum for Southern California. We explained the Zoom webinar format. All committee members are participating by video conference, and I've indicated what the requirements are under the Open Meeting Act for video conference participation by our members.

If you would like to speak, please use the raise hand function, which is on the bottom portion of the Zoom screen. Raise your hand, and I will call you, and then you'll unmute yourself and speak at that time.

If for some reason, you -- there's trouble with that raise hand function, just please raise your hand on the monitor, and I will call you. For individuals who are -- let's see. Ms. Kamm, you have a question?

MS. KAMM:

Yes, I'm sorry. I just wanted clarification on what you said about the cameras being on and off. Did you say that we can turn the cameras off if we are not speaking?

DIVISION CHIEF CASTILLO:

Only if you're having technical difficulty.

MS. KAMM:

Oh, okay. All right, and thank you.

DIVISION CHIEF CASTILLO:

For the public, we will take public comments at different points in this, when we are discussing the agenda items, and when we are discussing proposed recommendations.

We will be asking -- after we hear comments from the committee members, we will be asking for public comments. At that time, you'll be asked to raise your virtual hand. It's at the bottom of your screen. And for members who are attending by telephone, please press star, nine.

We will then call you, and you will be invited to come into the panelist portion. You'll be asked to unmute yourself, and then you'll have three minutes to speak. And if there's anyone attending in either of the rooms in San Diego where I am attending in-person, or in Sacramento, members of the public, if you just raise your hand, and then we will call you.

If there's anybody who wishes to comment by e-mail, on the agenda in our website, we had posted the e-mail address for people to provide comment. Please provide the agenda item for which you want to provide comment in your e-mail, and then an OAH staff member will read it, and we'll read up to three minutes of your public comment.

If you do not put an agenda item on your e-mail subject line or in the -- we will just put it at the end for public comment at the end of the meeting.

This is an overview of the Advisory Committee process. When we start with the more substantive agenda items, the person who proposed the agenda item will be given time to talk and explain the -- their agenda item. OAH may also provide information, if there are legal things that need explanation, and this is done in response to a prior recommendation that OAH adopted in which OAH was asked to provide background information for the members to understand and the members of the public to understand, why this issue -- why OAH does something and how -- or how it does it.

All committee members wishing to be heard will have the opportunity to speak at least once. Then OAH will take public comment on the -- on the agenda item. If, at some point, a recommendation is made by a committee member that OAH

consider a proposed recommendation, any committee member may make a proposed recommendation on an agenda item, not just the person who had put the item on the agenda.

If you are going to make a recommendation, it is suggested that you take a minute or two to write down your recommendation. And try to keep it a sentence or two for clarity purposes. We will manage the proposed recommendations one at a time.

You'll be asked to read your proposed recommendation. I will ask for a second. If they are -- is a second to the proposed recommendation, OAH will move to committee comments on proposed recommendations, public comments, and then we will take a vote.

For here for the vote, it's just by -- if it passes by either the Southern California or the Northern California, it will be considered passed by a proposed recommendation for that committee, and OAH will then prepare and submit a response to the recommendation. And OAH will do this for each substantive item on the agenda item.

I will -- for votes, I will be taking your vote, and as I indicated, you must have your camera on for the vote, and state orally if you're voting yes or no on the proposed recommendation.

We have two -- I have the committee members that introduced themselves during roll. Additionally, we have two interpreters who will be switching off. We have Marc Gutierrez and Leticia Reyna. When they are interpreting, their cameras will be on, so you'll be able to see them as they're -- are interpreting.

Since the last committee member, we've had one new administrative law judge, Administrative Law Judge Jeanie Min, who came -- comes to OAH from the California Department of Social Services. ALJ Min had started in December of 2024.

Okay. And this is a reminder to all OAH employees who are watching and who are in the panelist section, to please have your cameras off for the rest of the meeting if you are staying, and this will help with bandwidth and assist the panelists and committee members attending.

Between now and the next advisory committee member, in October of 2025, we will have only one committee member whose term expires. Kimberlee O'Maley's term expires in September of 2025. In late July, early August, OAH will be soliciting applications for that vacancy.

All committee members are expected to attend every meeting. The meetings will be held the third Friday of June and the third Friday of October. If a member is not able to attend, they should notify OAH as soon as possible that they are unable to attend.

If a member misses two meetings, they may be removed from the committee, and OAH will start the application process and choose a replacement. I encourage all committee members to participate fully in this process. Your opinions and recommendations are very important to the Office of Administrative Hearing.

Again, this meeting is subject to the Open Meetings Act. The Advisory Committee meetings follow that. Each committee member has been sent a copy of the act and is supposed to follow that. And you've also been sent material from the California Department of Justice on the Open Meetings Act.

For further information on the Bagley-Keene Open Meetings Act, people may visit the California Department of Justice website, and a link is provided to -- on our agenda.

For each moving -- selection of a chair for Northern and Southern California, agenda collector for the October 8 -- 17, 2020, by meeting will need a chair for each location. That person will also serve as the agenda collector.

All proposed agenda items from the other committee members will be sent to these members. The identified members will then send to OAH a list of agenda items no later than October 1st for the fall meeting (inaudible).

So, I will go. Is anyone in Southern California interested in being the chair and the collector of the proposed agenda items?

MS. SNOWDEN:

I can do it.

DIVISION CHIEF CASTILLO:

Okay. Is there anyone else who's interested? Okay. Member Suzanne Snowden will be the chair and collector of the agenda items for the Southern California Committee.

For Northern California, is there any person - committee member who would like to be the chair and collector of agenda items?

MR. SHAW:

I can do it, if no one's volunteering.

DIVISION CHIEF CASTILLO:

Okay. And who is that, again?

MR. SHAW:

Daniel Shaw.

DIVISION CHIEF CASTILLO:

Okay, Mr. Shaw will be the chair and collector of agenda items. Is there - sorry. Is there anyone else, other than Mr. Shaw? Seeing no one, Mr. Shaw will be the collector of agenda items and the chair for Northern California for the October meeting.

Okay. We've gone over all the preliminary matters, and we will go over the substantive agenda items, which are in agenda item 12. Oh, I also forgot to introduce Claire Yazigi, who will be the secretary for today's meeting. She will be tallying the votes and going over the proposed recommendations that come from the committee.

Also, we have Laurie Crom who's in our Sacramento office, one of our AGPAs who is running today's meeting; Trinity Dorantes, who is monitoring the meeting and the recording, and Anna Brown, another one of our special operations staff, who's also providing assistance for today's meeting.

Okay, we'll go over the proposed recommendations, first start with 12, and then I'll read it, then I'll ask Mr. Shaw for any further information. 12, proposed recommendation. The self-help information for special education cases to be put into a PDF document that is provided to unrepresented parents in the initial scheduling order.

Additionally, this document should be translated into the top five languages in California. Mr. Shaw?

MR. SHAW:

Sure, just speaking to parents who have been filed on or who have filed their own cases and appear lost. Even though I think the website has a lot of really useful information, they're not often able to find the website, and I believe that it would make sense to put that information into a PDF guide that could be attached to the scheduling order that's provided to them after an initial case has been filed.

DIVISION CHIEF CASTILLO:

For the attendees, committee members, the Office of Administrative Hearings has required, pursuant to our contract with the California Department of Education, to have a handbook. We currently have that online, as Mr. Shaw has requested.

If a parent does request, we will print that up. We will also provide a translated document for parents if they so require. The Office of Administrative Hearing presently is in the process of updating our handbook, in that hopefully, in the next month or two, we'll be -- those updates will be posted on our website, and we will also have a PDF version on our website if anybody would want to download that. So, that is one of our projects that we have been in the process of going through.

Is there any further comments, questions from members of the committee?
Debra Kamm?

MS. KAMM:

Hi. You said you were updating the handbook. I'm wondering, are you updating it so that the erroneous comments in there saying that parents cannot bring an advocate with them to due process hearings is removed?

That was in multiple documents from OAH, stating that parents could not bring an advocate at all to any due process hearings. And I'm not talking about representation; it just said that they were not allowed to bring anyone.

So, is that going to be corrected in the latest version, since that is not -- that does not comport with the IDEA?

DIVISION CHIEF CASTILLO:

I'm just writing this down to make sure that I will -- Ms. Kamm, you have my assurance that after today's meeting, I will doublecheck the draft handbook to make sure that what OAH has stated in the past, that -- and as required by statute for mediations and hearings, that parents may bring an advocate to assist them, as permitted by statute and regulation.

So, you have my promise I will check that to make sure that the language states that.

MS. KAMM:

Thank you.

DIVISION CHIEF CASTILLO:

Okay. Any other questions or comments from members of the public? Member Snowden.

MS. SNOWDEN:

Yes. I was wondering, do -- is there a -- in the scheduling order, does it say if you're unrepresented, you can contact -- like, is there any language in the scheduling order for unrepresented parents?

DIVISION CHIEF CASTILLO:

In the scheduling order, it does state and gives the name of the case manager who's handling the case and their telephone number, that any questions can be directed to the case manager.

MS. SNOWDEN:

But is there any -- anything indicating, if you're unrepresented parent, you can -- like, is there some sort of information for parents who are unrepresented?

Because yes, there is the phone number, but I take most parents are -- you know, they get filed on, or you know, it's a confusing, complicated process, and parents who are unrepresented, you know, they -- I just think, you know, for example, in superior court, they have the self-help desk kind of thing.

Is there any information indicating, for parents who are not represented, you can contact, you know, the case manager, or if you're unrepresented, please be sure and contact the case manager, just so that they -- so they feel that they can contact?

Because I don't think it says that in -- I was trying to look at a scheduling order. It does give the phone number, it -- like, it does give the name of the case manager, but I think parents who are not represented and find themselves in this process are concerned, and they don't have an invitation, in other words, to contact the case manager.

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

DIVISION CHIEF CASTILLO:

The scheduling order that goes out explains the

- OAH process from beginning to end and the different components,
- the mediation,
- continuance requests,
- (inaudible) motioned,
- prehearing conference,
- the hearing process,
- loading of exhibits for hearing, et cetera.

And sprinkled through that, those are contacts for -- depending on the different process, would be contacting. So, there is information in there to contact case managers. Our case managers do receive a lot of phone calls from self-represented parents, guardians, and the process to answer questions, operational questions.

We cannot provide legal advice. We're not permitted. They cannot provide legal advice, but they can provide information on the process.

Member Ashley Mendez?

MS. MENDEZ:

Yes. I know that part of the recommendation was that the document be translated into top five languages in California, and you mentioned that OAH, if a parent or someone else asks for the self-help book to be translated, they will provide that, but is there some sort of timeline as to when and how quickly that would be provided to a parent?

DIVISION CHIEF CASTILLO:

If we already -- if we already have the document translated, we'll provide it in a language, the top five languages, which is required by our contract with the California Department of Education. If it's not in one of those top five languages, we send it, and we haven't already sent it out and got -- received it back from the interpreter service, we will send it out, and then it is up to the interpreter service.

I can tell you right now, the draft of the handbook with the table of contents is about 150 to 160 pages.

MS. MENDEZ:

Okay.

DIVISION CHIEF CASTILLO:

Member Padron?

MR. PADRON:

Yes, I believe that when they're sent the scheduling order, parents are sent the scheduling order, there's also the list of advocates that have been registered through OAH, and a list of attorneys, because I've received calls from (inaudible) saying that they got that information from the scheduling order.

So, I believe that there is -- at least that is a list of advocates that they can communicate with.

DIVISION CHIEF CASTILLO:

And just to clarify what Mr. Padron has said, as required by the California Department of Education, for self-represented parents, whether or not they file a case with the Office of Administrative Hearings on behalf of their student child, or if a case -- the District files and they're self-represented, as part of the scheduling order, we send a list of advocates and low-cost attorneys who have requested to be on our list.

That list is in our website, and we also have a printed copy that we send all self-represented parents.

MR. PADRON:

Correct.

DIVISION CHIEF CASTILLO:

Member Shaw?

MR. SHAW:

Yeah, I mean, just one thing for the Committee to keep in mind. When the District files a case, there's no resolution period, so the timeline to hearing is incredibly quick, you know?

So, parents who are often filed against, they're balancing, dealing with their child with special needs, they're often in crisis, there are things going on, so the thought process was to try to figure out how to get this information, because there's a lot of good information in the -- in the handbook, to them as quickly as possible, as opposed to trying to, you know, search for it or know that it exists when there's not really a directive or direction to get there from the initial scheduling (inaudible).

DIVISION CHIEF CASTILLO:

Member O'Maley? You still have your -- you have your mic on -- off.

MS. O'MALEY:

Apologies. I have a roof being put on, so if you hear pounding, that's what's going on. I apologize.

I want to -- I want to also say what was just said about -- it's very quick when they get -- when the school files against an unrepresented parent. And the timeline is too quick, and they're scared, and they don't know what to do, and they often don't know how to call people, and people don't have time, and it's very difficult.

The other issue is, I need to make sure that it's said, that they can bring anyone, per IDEA, anyone they want to the -- to the hearing. An unrepresented parent can bring anyone they want; not just an advocate, not just -- they are allowed to bring anyone they want for support.

DIVISION CHIEF CASTILLO:

As I indicated to Ms. Kamm, Ms. O'Maley, I will doublecheck what's in our handbook. There is statutory language, and they will make sure that what's in our handbook meets the --

MS. O'MALEY:

In IDEA, it is. They could bring anyone. Thank you.

DIVISION CHIEF CASTILLO:

Any other comments from members of the committee? Member Kamm?

MS. KAMM:

Oh, hi. Just a procedural thing. I do want to note that I did send in agenda items that are not listed on here. I don't know why that is. My agenda items were actually the previous three that were non-responsive. We received non-responsive responses, so I wanted to revisit all three of those, and the -- it did not make it on this agenda for some reason.

I was told there it had to be in a certain format, but there is no written procedure as to what format. The CDE has to approve any policies and procedures, and there is no CDE approval of anything like that, so there's no documentation of any such approval.

So, I do want to object to this agenda because the -- you did not include the three agenda items for the Southern California committee members.

DIVISION CHIEF CASTILLO:

Noted. See no further questions or comments from the committee members. We'll take public comment on this, and we'll first -- we'll go to Education Not Litigation. (Inaudible) --

LAURIE CROM:

Education Not Litigation, you have been promoted to panelist. If you can unmute yourself and let us know when you are ready. Education Not Litigation, you have been asked to unmute. Can you unmute yourself?

I apologize. One moment.

DIVISION CHIEF CASTILLO:

Okay. Education Not Litigation, you are -- you're still muted.

LAURIE CROM:

One moment, please. We seem to have some difficulty. I've asked to unmute, and it does not seem to be functioning at this point.

DIVISION CHIEF CASTILLO:

Okay. Why don't we take Sarah Adams, and then we'll come back to Education Not Litigation.

LAURIE CROM:

Okay, one moment. Let's see if it works for her. Ms. Adams, if you can -- great, there you go. Thank you.

MS. ADAMS:

Yes, can you hear me okay?

DIVISION CHIEF CASTILLO:

Yes, we can hear you

LAURIE CROM:

Yes, you have --

DIVISION CHIEF CASTILLO:

Ms. Adams. Three minutes.

LAURIE CROM:

you have -- you have three minutes. Please, proceed.

MS. ADAMS:

Okay. My name's Dr. Sarah Adams, and I have been acting as an advocate for a family up in the Sacramento area, and I'm very concerned about what I'm seeing for self-representing families.

This particular family around Mount Diablo Unified School District, and for example, some -- there have been some really clear procedural irregularities in this case, which then the family are unable to properly navigate.

Say, for example, there was a prehearing conference on the 16th of June, an order was issued on the 17th of June, and then two days later, the counsel for the District was -- were able to file a preemptory challenge and had it granted.

This is not permissible. The parents have no avenue or way, shape, or form of being able to properly challenge this preemptory challenge. The conduct of the attorney for the District has been nothing short of harassing and abusive, going so far as to effectively stalk me online, along with the family.

And again, you know, despite the family's best efforts of filing notices about this conduct with OAH, you know, writing up, you know, that clearly -- you know, and researching very hard to get the case law and so forth, there's no response. Been zero response from OAH about the conduct of this lawyer.

There's been no response about this preemptory challenge that has been issued after a prehearing conference, and after the issuance of the order. And so, I'm kind of -- you know, having seen this, I just wonder here how it's been called a due process hearing, and yet what just actually seems to be happening is a complete and absolute denial of due process.

The rights of these parents and their child have been completely rolled over by the District's lawyer, and the way in which it's almost an effective fortress to be able to communicate with OAH. This morning, I had the misfortune of being shouted at, and had the phone hung up on me, whilst the parent was on the line, by the OAH case manager.

She had phoned up -- one of them had phoned up the parent yesterday and told her the judge had been changed, refused to explain how this could possibly have occurred after the order had been issued, and so that's why we phoned this morning, and what we got were -- what appeared to be misinformation and a refusal to do anything other than hang up the phone on the parent.

There is no other means of making a complaint against this individual. There was no process or procedure whatsoever when parents are treated like this. In my view, this is a complete denial of due process of law, and I'm frankly stunned, especially after I've seen the manner by which this school district, which is Mount Diablo Unified School District, has actively sought to deprive a child who's seriously disabled of an education.

LAURIE CROM:

I'm sorry that your three minutes are up. You have been muted.

MR. PADRON:

Mr. Castillo, you are muted.

DIVISION CHIEF CASTILLO:

You can put Ms. Adams back into the attendees section, and then ask Education Not Litigation to unmute themselves.

LAURIE CROM:

Judge Castillo, we are having an issue with the interpreter. Can we take a few minute break?

DIVISION CHIEF CASTILLO:

Okay, we will take a ten-minute -- we'll take our -- one of our morning breaks. We'll take it, and we will be back at 11:25 on this, and we'll try to return back to Education Not Litigation to speak. Thank you.

(Off the record.)

DIVISION CHIEF CASTILLO:

Recording has resumed. Technical issue has been resolved. I've noticed that Education Not Litigation is not present as a panelist. We do want to get their public comment, so to the person who was Education Not Litigation, if you could please raise your hand again so we can get your public comment.

LAURIE CROM:

Judge Castillo, Education Not Litigation does not appear to be an attendee at this time.

DIVISION CHIEF CASTILLO:

Okay. Okay, we will go to any -- do we have any e-mail public comments?

LAURIE CROM:

There are no comments at this time.

DIVISION CHIEF CASTILLO:

Okay. Would any member like to make a recommendation as to agenda item 12, the self-help information for special education cases?

Member Kamm?

MS. KAMM:

Yes. I'm a little concerned about the process. From what you described, it sounds like OAH just be itself is kind of going into a darkroom and coming up with this 150-plus page manual for parents, and I really thought the whole point of this advisory committee is to give input into things like that.

And we have parents on this committee, we have attorneys, we have attorneys for parents, and I think that you're really missing the whole point of this advisory committee. I'm also very concerned that OAH is not in compliance with the inter-agency agreement, which states that any kind of policies and procedures need to be approved by the CDE.

But I'd like to remind everybody that OAH is just a vendor of the CDE, and so everything that OAH does is doing it as a -- as a vendor for the -- for the CDE and acting under the CDE; and yet, I don't see that any of these procedures, even the procedures for this meeting, the procedures that denied my agenda items.

None of these procedures and policies have been vetted and approved by the CDE. So, I think that what needs to be added to this recommendation, which it shouldn't even need to be a recommendation, it should be built in, is that the -- this advisory committee has input into the handbook prior to its being published.

And I think every -- everyone on this committee should receive a draft copy, and we should all be able to provide input into it. I think that's the whole point of this advisory committee. I think that, as a vendor, it's really inappropriate for a vendor to be creating such an important document when we hear over and over again that parents' rights are being denied.

So, I think that that would be my addition to that agenda item is that -- because that way, also, we can make sure that it is in compliance with the law when it has not been. So, my addition then is that the Advisory Committee have input, they get the entire draft copy, and have input into it prior to its publishing.

DIVISION CHIEF CASTILLO:

Ms. Kamm, I'm going to get back to you because Education Not Litigation is back, and I wanted to get their public comment. So, then we'll go back to your recommendation. So, you'll be first when we get back.

If you can invite Education Not Litigation in, please.

LAURIE CROM:

Education Not Litigation, you have been invited to -- the panelist. Would you please click on that, and I will allow you to talk.

DIVISION CHIEF CASTILLO:

You can unmute yourself, Education Not Litigation.

LAURIE CROM:

Continue to have technical difficulties.

DIVISION CHIEF CASTILLO:

Okay. They logged off. Okay, Ms. Kamm, could you state that as -- then as a recommendation for the Committee to consider?

MS. KAMM:

So, it says -- let's see. It should be put into a PDF document. Obviously, I'm saying that it should comply with the inter-agency agreement that says that the CDE needs to approve the handbook, and I'm also -- it shouldn't even be a recommendation. I think it's pretty commonsense that this advisory committee should also have input into the handbook.

DIVISION CHIEF CASTILLO:

Judge Yazigi, you're - if you can please unmute.

JUDGE YAZIGI:

Yes. My apologies. Did you want me to read the recommendation as it stands?

DIVISION CHIEF CASTILLO:

Yes, please.

JUDGE YAZIGI:

All right. As introduced by Member Shaw, that the self-help information for special education cases is put into a PDF document that is provided to unrepresented parents in the initial scheduling order. Additionally, this document should be translated into the top five languages in California.

DIVISION CHIEF CASTILLO:

Okay. And you get what Member Kamm has requested we put on this?

JUDGE YAZIGI:

I was -- my next question was going to be if, Member Kamm, you could reiterate your edit so that I may capture it?

MS. KAMM:

I think it just needs to include the -- that this document gets input from this advisory committee, and that it is also -- all of those policies within that document are approved by the CDE in accordance with the interagency agreement.

JUDGE YAZIGI:

And I'll defer to the way you would like to edit this, but I'm placing your comment after the first sentence as it appears in Member Shaw's recommendation. So, the first sentence would be that the self-help information for special education cases is put into a PDF document that is provided to unrepresented parents in the initial scheduling order, period.

And then I'm inserting a sentence that says, the PDF should get input from the Advisory Committee, and that -- and if you can help me one last time, that any edits should be approved by CDE. Does that capture your edit, Member Kamm?

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

MS. KAMM:

I think you should say, in accordance with the interagency agreement, because the interagency agreement is very explicit that all newly created or revised definitions, policies, procedures, and materials developed by the agency shall be reviewed by the CDE prior to implementation or publication.

So, I think that if you put pursuant to the interagency agreement, that would suffice.

JUDGE YAZIGI:

All right. So, that middle sentence now reads, the PDF should get input from the Advisory Committee, and any edits should be approved by the CDE in accordance with the interagency agreement. Have I captured your edit, ma'am?

MS. KAMM:

I don't think it's edits. I think the entire document needs to be approved by the CDE, because the -- you're talking about policies and procedures, so it's not -- and I'm not sure what you mean by edits to what?

It's my understanding that --

JUDGE YAZIGI:

Allow me. I just meant --

MS. KAMM:

I don't know if they're editing --

JUDGE YAZIGI:

allow me. I just meant, have I captured your edit to the recommendation correctly.

MS. KAMM:

I'm sorry. Can you reread it then?

JUDGE YAZIGI:

Yes. The PDF --

DIVISION CHIEF CASTILLO:

Judge Yazigi. I --

JUDGE YAZIGI:

Yes?

DIVISION CHIEF CASTILLO:

-- think what she's asking is that the handbook be approved by CDE.

JUDGE YAZIGI:

The PDF handbook?

DIVISION CHIEF CASTILLO:

(Inaudible) -- correct.

MS. KAMM:

Well, for clarification, it doesn't matter whether it's a PDF or not. The handbook is a compilation of policies and procedures, and according to the interagency agreement, all of that needs to be approved by the CDE.

And secondarily, the interagency agreement mandates this advisory committee, and the whole point of this advisory committee is to give input into any policies and procedures.

Now, we've talked over and over again on how parents are being denied their rights, and so this is a really critical document, and we need all of the input from all of this advisory committee, plus public input.

I just want to reiterate OAH is a vendor of the CDE, and OAH is not -- you know, OAH are, you know, government workers, state workers. They do not represent parents, and we've seen problems over and over again.

So, the two elements that are missing here are the Advisory Committee input, and the approval by the CDE, pursuant to the interagency agreement.

JUDGE YAZIGI:

Sure. So, then the sentence that I've added to Member Shaw's initial recommendation is the following sentence. The self-help handbook should get input from the Advisory Committee, and the self-help handbook should be approved by the CDE in accordance with the interagency agreement.

So, that's the new edit that I've introduced into Member Shaw's proposal. And then the last sentence that he had was, additionally, this document should be translated into the top five languages in California. So, that's how I've captured the discussion.

MS. KAMM:

Yes, thank you. That takes care of that. I do have a question, maybe for Daniel Shaw. Isn't there either a CDE -- or isn't there some kind of regulation or law that already mandates the interpretation into the five top languages?

I don't know, Daniel Shaw, maybe you can tell me if that's correct or not.

MR. SHAW:

I'm not sure, to be honest about that.

DIVISION CHIEF CASTILLO:

I'll answer the question. Yeah, the contract requires the interagency agreement, that it be translated into the top five language, similar to our forms.

Member Snowden?

MS. SNOWDEN:

I just wanted to add an edit, maybe, that it be a hyperlink to the scheduling order. I know there's a bunch of hyperlinks that are included in the scheduling order, and maybe the self-help handbook can be included in the scheduling order as a hyperlink.

DIVISION CHIEF CASTILLO:

In order to keep -- remember this recommendation as is (inaudible) OAH will promise right now just to include the hyperlink in the scheduling order.

Member Padron?

MR. PADRON:

Yes. I'm concerned with the previous public comment. In particular, because I've seen, and while being in this advisory committee, I've noticed that there's a lot of irregularities. And this one person that was giving the public comment was assisting a parent, since we're talking about unrepresented parents.

I'm wondering to myself, how could it be that that preemptory challenge that she was talking about that was approved, and there's already language that dictates when you should or can do a preemptory challenge, and for it to be approved, if what I'm hearing -- after already that, you know, statute of limitations has gone by and they approved it, at -- you know, notwithstanding the attorney yelling at them and doing other things like she described, but -- and I've noticed that -- in one particular case that I was involved in, and which I got -- I got to say, we've been -- this advisory committee has done a lot of good work, because OAH has changed some of the recommendations and improved -- are improving.

But still, if there's already things, you know, kind of happening in the background that are not based on legal standards, you know, I don't -- I'm not understanding why. You know, is it that judges are going rogue? I'm not understanding, so I just wanted to make sure that that pension that made that comment understands that we are hearing what she's saying, because I noticed that we just kind of went past her comment.

So, I just, as a member of this committee, I want to say that I -- I'm taking to heart her comment.

DIVISION CHIEF CASTILLO:

Okay. And just, Mayor Padron, I did take a note of what the member of the public said and the school district, and I will look into what happened.

MR. PADRON:

Appreciate it.

DIVISION CHIEF CASTILLO:

Yeah, I do not know the case now, and there's confidentiality things. I don't want to accidentally mention the student's name or the particulars of the student's case, but I will go look into the situation.

MR. PADRON:

Thank you, Judge Castillo.

DIVISION CHIEF CASTILLO:

Member Kamm?

MS. KAMM:

I do just want to note for those listening, there is a complaint process, and the complaint process goes to the CDE contract monitor. In fact, I have a complaint out about OAH ignoring my agenda items.

The complaint goes to the CDE because they are the actual responsible. The CDE, unfortunately, allows OAH to investigate themselves, so unfortunately, there's really not a lot of accountability, and that's why I'm really hoping that the CDE is paying attention to this meeting and will get more involved, because any issues with OAH, obviously, reflect negatively on the CDE.

So, to that person and anyone else, you can document complaints to the CDE, the contract monitor. It's in the interagency agreement. And I think that we need to -- we need to start doing that to document all of these issues that we keep hearing over and over and over again.

DIVISION CHIEF CASTILLO:

Are there any future comments on the recommendation that been put forward by Member Kamm? Member Snowden?

MS. SNOWDEN:

Is there a way also in the scheduling order that it can hyperlink to the different languages? I'm not sure if the handbook has been translated, but if it has, is there a way to hyperlink that as well, or is there a way to -- if you need this information in another language, and then a hyperlink?

DIVISION CHIEF CASTILLO:

As I indicated before, right now, we will print up a copy or print-up of the handbook and translation. So, we don't have that online at that moment. That's why we're in the process of that. We're working on it, updating the handbook as to create a PDF version that will be then placed on our website, but at present, we print it up and mail it to people.

Any other further comments? Is there any committee member who would like to second Ms. Kamm's proposed recommendation? Mr. Palmer?

MR. PALMER:

I second.

DIVISION CHIEF CASTILLO:

Okay. We do have a second for Mr. Palmer. And I will take a vote. I will ask Judge Yazigi to read it, then I will take a vote. If you can read the proposed recommendations, Judge Yazigi.

JUDGE YAZIGI:

Certainly. I do have the recommendation originally made by Member Shaw, so does that still hold true, or is this current recommendation now by Member Kamm?

DIVISION CHIEF CASTILLO:

I will say by both.

JUDGE YAZIGI:

Okay. Before I read this off, I wanted to make sure that I was not to edit in any mention of hyperlink, or Judge Castillo, did you want me to mention hyperlink within the recommendation?

DIVISION CHIEF CASTILLO:

You don't need to mention hyperlink.

JUDGE YAZIGI:

All right. So, what I have is that the self-help information for special education cases is put into a PDF document that is provided to unrepresented parents in the initial scheduling order.

The self-help handbook should get input from the Advisory Committee, and the self-help handbook should be approved by the CDE in accordance with the interagency agreement. Additionally, this document should be translated into the top five languages in California.

DIVISION CHIEF CASTILLO:

Okay. Mr. Padron, your vote?

MR. PADRON:

Yes.

DIVISION CHIEF CASTILLO:

Member McCoy?

MS. MCCOY:

Yes.

DIVISION CHIEF CASTILLO:

Member Shaw?

MR. SHAW:

Yes.

DIVISION CHIEF CASTILLO:

Member Molina?

MR. MOLINA:

Yes.

DIVISION CHIEF CASTILLO:

Member Mosqueda?

MR. MOSQUEDA:

Yes.

DIVISION CHIEF CASTILLO:

Okay. Vote count, Judge Yazigi, for Northern California?

JUDGE YAZIGI:

Five.

DIVISION CHIEF CASTILLO:

For Southern California, Member Palmer?

MR. PALMER:

Yes.

DIVISION CHIEF CASTILLO:

Member Kamm?

MS. KAMM:

Yes.

DIVISION CHIEF CASTILLO:

Member Sherrill?

MR. SHERRILL:

Yes.

DIVISION CHIEF CASTILLO:

Member O'Maley? Member O'Maley, still on mute. I will get back to you, Ms.
-- Member O'Maley. Member Ashley Mendez?

MS. MENDEZ:

Yes.

DIVISION CHIEF CASTILLO:

Member Snowden?

MS. SNOWDEN:

Yes.

DIVISION CHIEF CASTILLO:

Member O'Maley?

MS. O'MALEY:

Yes.

DIVISION CHIEF CASTILLO:

Okay. We have six yes votes in Southern California, five in Northern California, and OAH will respond to this proposed recommendation.

Okay. The next agenda item, 13, and I'll read it. In the --

MR. PALMER:

Can I ask a question first?

DIVISION CHIEF CASTILLO:

Yes, Mr. Palmer?

MR. PALMER:

I noticed in the response from the October meeting, there was a statement under Item 6A that we would consider a Special Education Committee chair from the Northern and Southern sections be - would jointly do agenda items.

And since it said we would discuss it at June 20th, I just assumed it would be on the agenda, but in reviewing the agenda, I don't see that item. So, I don't know, are we going to address that at this time?

DIVISION CHIEF CASTILLO:

The response said that somebody from the Committee would need to put it on the agenda. 13. In the self-help section under forms, include an example prehearing conference statement. Member Shaw?

MR. SHAW:

Sure, thank you. I was reviewing the forms that are available on OAH's website. There's everything from, you know, a document utilized to request a due process hearing, to provide information for request mediation only.

There's proof of service and other documents that are accessible to pro per parents, but I did not see anything to be utilized for the purposes of drafting a prehearing conference statement. So, I thought that it would be good to have something up there that parents could utilize as a guide.

DIVISION CHIEF CASTILLO:

And Mr. Shaw is correct. We do not have a sample prehearing conference statement for individuals to complete similar to the form complaint that we have on our website. We do have information within the scheduling order and other information on the website about what should go into a prehearing conference, but we do not have a sample form.

Okay. Is there any comment by a member of the Committee on agenda item 13? Member Padron?

MR. PADRON:

I would second that. Place that in the recommendations.

DIVISION CHIEF CASTILLO:

Okay, we'll get comments first, then I'll go through any recommendation. Any other comment from members of the committee? Any comments from members of the public on this?

LAURIE CROM:

There are no comments at this time.

DIVISION CHIEF CASTILLO:

Do we have any e-mail comment?

LAURIE CROM:

There are no comments at this time.

DIVISION CHIEF CASTILLO:

Okay, going back. Member Snowden?

MS. SNOWDEN:

I just had a question. Is there a reason why there's not a sample prehearing conference statement on OAH's website?

DIVISION CHIEF CASTILLO:

There is no reason. Okay. Mr. Shaw, would you like to make what you have, 13, as a recommendation for OAH to consider?

MR. SHAW:

Yes, sir.

DIVISION CHIEF CASTILLO:

Okay. And just keep it as it is currently written?

MR. SHAW:

Maybe some other way. Not necessarily an example, but similar to how OAH has prepared the due process request or request for mediation. It's a PDF form that can be filled out by the parents, so it can have the pertinent areas that are required, and then boxes where they can type in the information form, maybe.

DIVISION CHIEF CASTILLO:

Let me try to rephrase it. In the self-help section under form, include a sample prehearing conference statement form for individuals to complete.

MR. SHAW:

Yeah, that works.

DIVISION CHIEF CASTILLO:

Okay. Judge Yazigi, do you have that?

JUDGE YAZIGI:

One moment.

DIVISION CHIEF CASTILLO:

Thank you.

JUDGE YAZIGI:

I do, that in the self-help section under forms, include a sample prehearing conference statement for individuals to complete.

DIVISION CHIEF CASTILLO:

Okay. Member O'Maley, you had a question?

MS. O'MALEY:

Yes. What do we do for parents that don't have access to the internet or computers? Are they going to get something mailed to them? I've had parents that don't.

DIVISION CHIEF CASTILLO:

Would you like to make a -- Member O'Maley, would you like to make a separate recommendation that we -- for the Committee to consider? We can -- I will get a -- I will talk -- I will ask for a second as to Mr. Shaw's in a moment.

Is there a particular recommendation that you would like to make on that?

MS. O'MALEY:

I would like to add, and that - and that the forms are also mailed to the parent at the address on record with the school district.

DIVISION CHIEF CASTILLO:

Okay. Judge Yazigi, if you could have that as -- Mr. Shaw's right now is 13A and Member O'Maley's as 13B.

JUDGE YAZIGI:

Okay. One moment, please. So, is the suggestion by Member O'Maley that the sample prehearing conference statement be mailed hardcopy to whom?

DIVISION CHIEF CASTILLO:

Self-represented parties.

JUDGE YAZIGI:

All self-represented parties?

MS. O'MALEY:

Yes.

JUDGE YAZIGI:

Okay.

DIVISION CHIEF CASTILLO:

Okay. As to 13A, Mr. Shaw's proposed recommendation, do we have a second?

MS. SNOWDEN:

I second it.

DIVISION CHIEF CASTILLO:

Okay. Member Snowden has seconded. As to 13B, Member O'Maley's proposed recommendation, that OAH send the forms to self-represented litigants, do we have a second?

MR. PADRON:

Yes, I second.

DIVISION CHIEF CASTILLO:

Second that. Okay. Member Snowden, did you have something to ask?

MS. SNOWDEN:

I had a question. When we're talking about the forms being sent, is it the prehearing conference statement form to be sent or all the forms, or what are we -- what is the recommendation?

DIVISION CHIEF CASTILLO:

Right now, the proposed recommendation is the just -- is the prehearing conference form.

MS. SNOWDEN:

Okay, thank you.

MS. O'MALEY:

Well, I think that all forms should be sent to the parent for a due process hearing. They --

DIVISION CHIEF CASTILLO:

(Inaudible) --

MS. SNOWDEN:

-- should mail as well as online.

DIVISION CHIEF CASTILLO:

Judge Yazigi, could you rephrase that to all OAH forms, and not just prehearing conference form?

JUDGE YAZIGI:

I want to make sure I'm capturing this correctly. So, all forms, meaning -- are we talking about all sample forms that a litigant may self-populate and fill in, or all forms that OAH publishes to parties?

DIVISION CHIEF CASTILLO:

Member O'Maley, you're talking about this -- the forms that OAH has on its forms website?

MS. O'MALEY:

Yes, all forms that OAH would send the parties and that parties have to respond to.

JUDGE YAZIGI:

So, would that be all forms that OAH would otherwise send electronically to parties?

MS. O'MALEY:

Yes. Darn it, this thing won't come on. Yes.

DIVISION CHIEF CASTILLO:

Could you read that, Judge Yazigi?

JUDGE YAZIGI:

13B, that OAH mail a hardcopy of all forms that OAH would otherwise send electronically to parties, to self-represented litigants.

DIVISION CHIEF CASTILLO:

Do we have a second on that? Member Snowden?

MS. SNOWDEN:

I just had a question again. So, what -- so, there's, like, 13 forms on OAH's website. Are you talking about, like, all -- what forms are we talking about exactly? Because I'm -- I don't understand all forms. What exactly are the forms that would be sent? Is --

DIVISION CHIEF CASTILLO:

And I will just -- as OAH understands, the (inaudible) recommendation from Member O'Maley, it would be all the forms that are on the OAH website under the forms section.

MS. SNOWDEN:

Even if they're not applicable? Just all the forms? I mean, because there's, again, 13 forms. I'm looking at them. There's subpoenas, there's reasonable, appropriate accommodation requests, request for mediation, participant information sheet. Is that the recommendation?

DIVISION CHIEF CASTILLO:

Member O'Maley?

MS. O'MALEY:

It's for all forms that are necessary for due process.

DIVISION CHIEF CASTILLO:

Would you like to reframe the recommendation to that?

MS. O'MALEY:

That the -- that all forms necessary from the prehearing conference through the due process -- I've got a roof going. I can't hear myself think. Somebody help me. All forms necessary for the unrepresented party --

MR. PADRON:

(Inaudible) --

MS. O'MALEY:

-- necessary for the due process -- I really can't hear, because I've got pounding.

MR. PADRON:

(Inaudible) -- this is Member Padron. Maybe we got on the (inaudible) track, but I think the scheduling order that they send to parents once there's a due process complaint, and then that would include -- that packet should include a prehearing - a sample prehearing conference statement, because that's something that they would need to respond with before the prehearing conference.

MS. O'MALEY:

But then all the other forms subsequent to that as well that they have to respond to.

MR. PADRON:

Yeah, anything related to due process hearings.

MS. O'MALEY:

Yes, yes.

MR. PADRON:

Yeah. And not necessarily all the forms that are available on OAH's

MS. O'MALEY:

correct.

MR. PADRON:

--.website.

MS. O'MALEY:

That's how it was limiting in all forms necessary for the due process.

MR. PADRON:

Thank you, O'Maley.

MS. O'MALEY:

Process. Thank you.

JUDGE YAZIGI:

I'm not sure I captured that clarification. So, Member O'Maley, if you would just

MS. O'MALEY:

Oh, god, I can't hear.

JUDGE YAZIGI:

-- reiterate for me.

MS. O'MALEY:

If I can --

DIVISION CHIEF CASTILLO:

Let me see -- let me see, Ms. -- let me try to capture it first, Member O'Maley, then you correct me if I have it --

MS. O'MALEY:

Yeah.

DIVISION CHIEF CASTILLO:

-- wrong. That the scheduling order that OAH sends to self-represented parties include a copy of all forms needed for the due process hearing.

JUDGE YAZIGI:

That OAH mail a hardcopy of all forms needed for a due process hearing to self-represented litigants.

DIVISION CHIEF CASTILLO:

Okay. Does that capture it, Member O'Maley? Okay. You at least have to turn off and say yes. I'm sorry about that.

MS. O'MALEY:

Yes.

DIVISION CHIEF CASTILLO:

Thank you. Okay. Okay, for 13, recommendation 13A, do we have a second?

MR. PADRON:

Yes, I second.

DIVISION CHIEF CASTILLO:

Mr. Padron seconds it. For 13B, do we have a second?

JUDGE YAZIGI:

I hate to interrupt, Judge Castillo, but my records show that the second for recommendation 13A was Snowden, and that --

DIVISION CHIEF CASTILLO:

Okay.

JUDGE YAZIGI:

Member Padron -- Padron seconded 13B.

DIVISION CHIEF CASTILLO:

Your second still continue as modified, Member Padron, 13B?

MR. PADRON:

Yes, as modified.

DIVISION CHIEF CASTILLO:

Okay. Any comments on proposed recommendation 13A and 13B by the Committee? Member Snowden?

MS. SNOWDEN:

I, again, had a question on 13B. Other than the prehearing conference statement and the request for a continuance, are there any other forms that would be hardcopy mailed?

DIVISION CHIEF CASTILLO:

I am presuming it would be the subpoena forms and the proof of service forms.

MS. SNOWDEN:

Okay, thank you.

DIVISION CHIEF CASTILLO:

Any other comments from members of the Committee on the proposed recommendations? Any comments from the public as to the proposed recommendations 13A, 13B?

LAURIE CROM:

There are no comments from the public, and there are no e-mailed comments.

DIVISION CHIEF CASTILLO:

Thank you. With that, we will take a vote. On 13A, Judge Yazigi, can you read 13A?

JUDGE YAZIGI:

I have that in the self-help section, under forms, include a sample prehearing conference statement for individuals to complete.

DIVISION CHIEF CASTILLO:

Okay. On 13A, how do you vote, Member Padron?

MR. PADRON:

Yes.

DIVISION CHIEF CASTILLO:

Member McCoy?

MS. MCCOY:

Yes.

DIVISION CHIEF CASTILLO:

Member Shaw?

MR. SHAW:

Yes.

DIVISION CHIEF CASTILLO:

Member Molina?

MR. MOLINA:

Yes.

DIVISION CHIEF CASTILLO:

Member Mosqueda?

MR. MOSQUEDA:

Yes.

DIVISION CHIEF CASTILLO:

We have five yes votes in Northern California. For Southern California, on proposed recommendation 13A, how do you vote, Member Palmer?

MR. PALMER:

Yes.

DIVISION CHIEF CASTILLO:

Yes from Mr. Palmer. Member Kamm?

MS. KAMM:

Yes.

DIVISION CHIEF CASTILLO:

Member Sherrill?

MR. SHERRILL:

Yes.

DIVISION CHIEF CASTILLO:

Member O'Maley?

MS. O'MALEY:

Yes.

DIVISION CHIEF CASTILLO:

Member Ashley Mendez?

MS. MENDEZ:

Yes.

DIVISION CHIEF CASTILLO:

Member Snowden?

MS. SNOWDEN:

Yes.

DIVISION CHIEF CASTILLO:

We have six yes votes for 13A from Southern California. OAH will respond to 13A. Judge Yazigi, could you please read proposed recommendation 13B?

JUDGE YAZIGI:

That OAH mail a hardcopy of all forms needed for a due process hearing to self-represented litigants.

DIVISION CHIEF CASTILLO:

Okay. In the scheduling order.

JUDGE YAZIGI:

Okay, so add -- all right, so it reads that OAH mail a hardcopy of all forms needed for a due process hearing to self-represented litigants in the scheduling order.

DIVISION CHIEF CASTILLO:

Okay. Member Padron, how do you vote for 13B?

MR. PADRON:

Yes.

DIVISION CHIEF CASTILLO:

Member McCoy?

MS. MCCOY:

Yes.

DIVISION CHIEF CASTILLO:

Member Shaw?

MR. SHAW:

Yes.

DIVISION CHIEF CASTILLO:

Member Molina?

MR. MOLINA:

Yes.

DIVISION CHIEF CASTILLO:

Member Mosqueda?

MR. MOSQUEDA:

Yes.

DIVISION CHIEF CASTILLO:

We have five yes votes on 13B from Northern California. For Southern California, on 13B, Member Palmer?

MR. PALMER:

I vote yes. After the vote, I'd like to follow up with my previous question, if I may.

DIVISION CHIEF CASTILLO:

Okay. Member Kamm?

MS. KAMM:

Yes.

DIVISION CHIEF CASTILLO:

Member Sherrill?

MR. SHERRILL:

Yes.

DIVISION CHIEF CASTILLO:

Member O'Maley?

MS. O'MALEY:

Yes.

DIVISION CHIEF CASTILLO:

Member Ashley Mendez?

MS. MENDEZ:

Yes.

DIVISION CHIEF CASTILLO:

Member Snowden?

MS. SNOWDEN:

Yes.

DIVISION CHIEF CASTILLO:

Okay. We have six yes votes from Southern California on 13B. OAH will respond to them. Mr. Palmer, in order to keep the meeting going, we are just going to go on forward at the agenda for public comments. If there are comments on it, we'll go on. So, we're going to go on to 14 --

MR. PALMER:

Well, I want on the record that your statement was false. It's not what that recommendation says, what you said.

DIVISION CHIEF CASTILLO:

Okay, I'm sorry for that. Member Snowden -- Member Ashley Mendez?

MS. MENDEZ:

Yes, I just realized that my name is incorrect on here. My first name is Lauren-Ashley, and my last name is Mendez, so --

DIVISION CHIEF CASTILLO

Okay.

MS. MENDEZ:

just wanted to note that for purposes. Thanks.

DIVISION CHIEF CASTILLO:

Member Kamm?

MS. KAMM:

I'm just confused as to what rules you're using. I think that it's a legitimate argument to -- or a question to ask why something is not on the agenda. And when you make a statement that is blatantly false, I mean, we've gone back and forth. This gets back to the procedural issues with this -- with this meeting.

At the last meeting, you had multiple proposals from OAH, and now you have it in your agenda, but now you're saying that OAH cannot propose items. And I think that this just gets back to this entire advisory committee is in the dark as to how you are coming up with these processes and procedures, and you obviously just misstated what we have received.

So, I think we really need clarification on who is making these decisions and how these decisions are being made and why you are not addressing a very valid point here.

DIVISION CHIEF CASTILLO:

As to who puts the agenda items on, as indicated in the responses to the comments, it's Director Morazzini. In the response to 6A, it states, OAH proposes that the Special Education Advisory Committee consider and discuss at the June 20th, '25 meeting that for subsequent meetings that the Northern California 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 agenda.

MR. PALMER:

Well, I can see how the word, proposes, might infer that we had to request it be put on there, but that is not clear, and when I read it, my assumption was that it would be an agenda item because that is your proposal.

MR. PADRON:

Additionally (inaudible) --

DIVISION CHIEF CASTILLO:

We're going to go to Agenda Item 14. 14, the OAH will provide administrative law judges with specific training on how to reword special education issues based on school years. Member Shaw?

MR. SHAW:

Sure. What where you see when we walk into a prehearing conference is the discrepancy between the administrative law judges with respect to how issues are worded, either based on school years or IEP dates.

In my office, we word our issues based on school years. Unless there is a statute of limitations issue, we generally foot note that we are not making a statute of limitations -- or we're not asserting any sort of statute of limitations claim.

The problem is that we routinely run into the rewording of our issues, which I think, in some part, violates the spirit of Antelope Valley, where the nicer get commented on, the logic behind rewording issues, when parents are represented by competent attorneys, and those issues are intelligible.

What we have seen is that when our issues are reworded from a school year to an IEP date, there are IEP dates that are missed. In many cases, it changes the entire meaning of the issue, as those issues are reworded.

I mean, I don't believe -- you know, as long as the issues are intelligible, that administrative law judge should be rewording the issues at all. It also starts the hearing process off with the person who could be the trier of fact in almost an adversarial manner because we're put in the awkward position of having to defend our issue, which I believe, in most cases, are very intelligible.

And so, I think there needs to be additional training with respect to framing issues by school year. I would also point out that when issues are framed by school years, and as long as the alleged facts are clear with respect to IEP dates, there's no harm in framing an issue by a school year, but when you reframe it by an IEP date, it can drastically cut the time frame in question, can drastically change what that issue is about, and there are much greater consequences when you reframe issues from school year to IEP dates, versus going from IEP dates to school year.

And there's no consistency. I couldn't give you a statistic of how often it happens, but it happens often enough for it to be a concern.

DIVISION CHIEF CASTILLO:

Thank you. Member Snowden?

MS. SNOWDEN:

Yeah, I just wanted to add that often times, an IEP starts, it gets reconvened and reconvened. And so, it's hard to know which date the violation occurred, and it also cuts

down the harm, so the IEP, which is multiple dates, one date, it's how that denied the student a FAPE. It's not necessarily about the IEP; it's about how that IEP, however it forms, impact -- negatively impacted the student.

So, I'm just agreeing with Mr. Shaw that IEP dates are precarious in terms of issues, and that school years are a better method of measuring whether the IEP provided a student with a FAPE. Whoops.

DIVISION CHIEF CASTILLO:

Any other comments on 14 by members of the Committee? Member Palmer?

MR. PALMER:

I just want to agree. I think, from a parent perspective, it makes it much more clear and clean to be by the school year versus the IEP dates. IEP dates, if there's confusion around that and they get postponed, there's multiple dates for one IEP.

So, I would -- I support this and from a parent perspective.

DIVISION CHIEF CASTILLO:

Member O'Maley?

MS. O'MALEY:

I just think the proposal needs to be tightened up a little bit. First of all, reword should be re, hyphen, word, to be correct. And I think it should be based on the relevant school year, or based on the relevant school year as opposed to school years, because I think that's a little confusing saying school years.

I was confused by it when I saw school years, and I'm now understanding from Hearing Representative Shaw what he meant. And I just think we need to tighten up the word, school years, based on the relevant school year or the school year being -- the school year in question or the relevant school year. Does that make sense, Representative Shaw?

DIVISION CHIEF CASTILLO:

I think we'll have time during the recommendation to go (inaudible) back to the recommendation. We can wordsmith then. Member Kamm?

MS. KAMM:

I would just like to comment that I think that this issue really kind of denotes the bigger issues that we keep hearing about, is that there is no consistency between the ALJs. And it sounds like some are trying to reword the wording from attorneys, and others are not.

So, again, it goes to who is making these policy decisions, and has the CDE approved the rewording of different, you know, language, when parents' attorneys bring up these issues? I think it also brings up the issue, as Mr. Shaw stated, as the adversarial nature of OAH ALJs and parents. It's just another example of how parents are treated, I think, negatively and as adversaries, and rather than being uplifted and helped in this process.

This process is all based on the IDEA, and parents have obviously a lot of rights, and it seems like over and over again, we're hearing about OAH as a whole and ALJs individually impeding on those rights.

And I just really think that we need to take that to heart and understand that this is a symptom of a bigger issue. And obviously, a due process hearing should not start on an adversarial tone, and an ALJ should not be revamping and rewording and changing and making all kinds of changes, as Mr. Shaw has stated previously, which it sounds like is above and beyond their authority to do.

So, I applaud Mr. Shaw for this, and I think that this is probably just one issue that goes to the broader issue. Thank you.

DIVISION CHIEF CASTILLO:

Any other comments by members of the committee? Any public comment on agenda item 14?

LAURIE CROM:

There are no public comments at this time, and there are no e-mails.

DIVISION CHIEF CASTILLO:

Okay. Mr. Shaw, for agenda item 14, would you like to propose this as the recommendation for OAH to consider as write, or would you like to make any changes based on comments that have been made?

MR. SHAW:

We can add a hyphen between re and word, and relevant school years, I'm fine with.

DIVISION CHIEF CASTILLO:

Judge Yazigi, could you please read that as reframed?

JUDGE YAZIGI:

As edited? That the OAH provide ALJs with specific training on how to reword special education issues based on relevant school year.

DIVISION CHIEF CASTILLO:

Is there any second to this?

MS. SNOWDEN:

I'll second it.

DIVISION CHIEF CASTILLO:

I have second for Member Snowden. Any further comment on proposed recommendation 14? Mr. Padron?

MR. SHAW:

Yes.

DIVISION CHIEF CASTILLO:

We haven't voted yet. I'm just asking for comment. Seeing none, is there any public comment on proposed recommendation 14?

LAURIE CROM:

There are no public comments ending, and there's no e-mail comments.

DIVISION CHIEF CASTILLO:

Thank you. And we will take a vote on the proposed recommendation number 14. Mr. Padron?

MR. PADRON:

Well, since you came to me, I thought we were voting already, but I do have a comment --

DIVISION CHIEF CASTILLO:

Okay.

MR. PADRON:

before I vote.

DIVISION CHIEF CASTILLO:

Okay.

MR. PADRON:

And I'm going to make it a couple of comments since it's the -- a good opportunity to do so. There was a question on the previous one, and someone asked why was -- wasn't there a sample prehearing conference statement, and I think you replied that you didn't know why.

But I think that that's why this advisory committee is so important, because Mr. Shaw caught that, and he's -- it looks like he's caught several other things, and that's what this advisory committee is for. And it probably should have been put into the

scheduling orders, because people -- sometimes, parents, they don't know how to write a prehearing conference statement, even though there's instructions on how to do that.

And the second comment I have is, I didn't appreciate how the responses, the previous response to Mr. Palmer, and it clearly indicated that we would at least discuss that matter on how they would gather the recommendations, and you just abruptly went into, I'll go to, you know, number 14.

I didn't appreciate that. I felt -- I felt bad. I felt bad for Mr. Palmer, I felt bad for the Advisory Committee. And that kind of showed us that that's how you make decisions. And sometimes when I'm looking at you and you're writing something down, that's a decision you're going to make.

So, I just -- I'm very observant, but at the same time, I'm also very verbal and outspoken when I see things, and those are the two things that I wanted to mention to this advisory committee, that number one, we're important, and number two, that decisions are made haphazardly.

And that shows that in this item, the ALJs reword, and they just rechange. And Mr. Shaw's correct. Then you're defending your issue. So, apart from that, I vote yes.

DIVISION CHIEF CASTILLO:

Actually, okay. Yes vote for Mr. Padron. Member McCoy?

MS. MCCOY:

Yes.

DIVISION CHIEF CASTILLO:

Member Shaw?

MR. SHAW:

Yes.

DIVISION CHIEF CASTILLO:

Member Molina?

MR. MOLINA:

Yes.

DIVISION CHIEF CASTILLO:

Member Mosqueda?

MR. MOSQUEDA:

Yes.

DIVISION CHIEF CASTILLO:

We have five yes votes for Northern California on proposed recommendation 14.
From Southern California, Member Palmer?

MR. PALMER:

Yes.

DIVISION CHIEF CASTILLO:

Member Kamm?

MS. KAMM:

Yes.

DIVISION CHIEF CASTILLO:

Member Sherrill?

MR. SHERRILL:

Yes.

DIVISION CHIEF CASTILLO:

Member O'Maley?

MS. O'MALEY:

Yes.

DIVISION CHIEF CASTILLO:

Member Mendez?

MS. MENDEZ:

Yes.

DIVISION CHIEF CASTILLO:

Member Snowden?

MS. SNOWDEN:

Yes.

DIVISION CHIEF CASTILLO:

We have six yes votes from Southern California on proposed recommendation 14. It has passed both committees. OAH will respond to that. It is 11:24 right now.

We're going to take a ten-minute break. We'll be back at 11:35 a.m., and we'll go -- continue from 11:35 a.m., then to 1:05 p.m. So, you may stop the recording.

(Off the record.)

DIVISION CHIEF CASTILLO:

Members have turned on their cameras, and we'll go to the next item, item 15. In the self-help section, include a guide on how to use Case Center. Member Shaw? --

MR. SHAW:

Yeah, I, with -- can I withdraw this? I went on this morning and started poking around and actually found it was under the electronic submission of witness list and evidence through Case Center.

There is a link at the bottom of the page to the Thomson Reuters page where they have all kinds of guides on how to use Case Center. So, I think it's on there already.

DIVISION CHIEF CASTILLO:

We'll take discussion, but if no member -- because it is on the agenda item, so people are entitled to discuss this if anybody had wanted to. So, is there any comments or questions from members of the committee on agenda item 15?

Any comments from -- public comments on agenda item 15?

LAURIE CROM:

There are no public comments, and there are no e-mails.

DIVISION CHIEF CASTILLO:

Thank you. Would any -- Member Shaw has indicated he would not like to make a recommendation on 15. Is there anybody else who would like to make a recommendation on this item?

Seeing none, we'll move on to the next agenda item, 16. During a pre-hearing conference, the administrative law judge shall review the responding party's response to the request for a due process hearing to ensure all parties understand the responding party's position, and to ensure it contains the statutory requirements of a special education response.

Member Shaw?

MR. SHAW:

Thank you. So, generally, in a pre-hearing conference, for those of you who have not participated in one, we spend a lot of time going through the issues. It's often there's rewording of the issues that are proposed, and so on.

But there is no time spent reviewing the responsive pleading from the school district to ensure that it contains the statutory required components. And I think that's particularly important, because in many situations, they're kind of canned responses that just deny all allegations without any specificity, not giving us any insight into their position on the issues that are presented for hearing, nor locking themselves into the -- into a position, which gives them fluidity in their defense to, you know, change it, frankly, or bring in information that student counsel is not aware of.

Again, Antelope Valley talked specifically about this issue within the context of special education due process hearings. And what they -- what they said in that

precedent-setting case was that if the failure to file a response -- and I would say it's equally as consequential if the response is not complete, puts the opposing party at a serious disadvantage in preparing for a hearing, as it must guess what defenses the opposing party will raise.

And this is particularly severe in IDEA cases because there's no pretrial discovery. We don't know what folks are going to say when they testify. We don't know what they're going to say about certain documents or whatnot.

I think it's an interesting -- or I think it's an important part of due process. You know, when you look at the IDEA's procedural safeguards, there's one section that talks about a due process complaint, and there's four components to what they describe need to be in a due process complaint.

Two of those have to do with identifying the parties and providing relevant contact information. The third component is a description or -- of the nature of the problem. And the fourth is proposed resolutions; yet the majority of time that's spent in a pre-hearing conference is analyzing the due process complaint and sufficiency of the - of the issues.

Particularly frustrating sometimes when there's no notice of insufficiency, there's no notice filed, which is a right per the statute, providing any sort of concern about the clarity of the issues. But in any event, the IDEA procedural safeguards have a very lengthy section about what's supposed to be included in a response, and it refers back to the prior written notice requirements, which are very specific.

And there are, you know, four different sections of what should be contained in a prior written notice that we often see lacking in any response from a school district. When we request to look at a school district's response in the context of a pre-hearing conference, we're told no.

I've been involved in numerous PHCs where that response is filed 20 minutes before the pre-hearing conference. And again, I ask to delay the hearing, which Antelope Valley specifically says should be the consequence of not filing a timely response. And I'm told, no, I'm not going to do that.

And we're literally given 20 minutes before the pre-hearing conference to even see the responsive document, which is an important part, and answers what it's called in a civil -- you know, in a civil context, is really important to lock the other side into a certain position and give the other side notice of what that position is going to be.

That's how due process is supposed to work. And I think this is a lacking -- this is lacking in pre-hearing conferences that are convened in special education due process hearings, that this component is glossed over and not really looked at very closely.

We rarely see responsive or responses that are consistent with providing the same information that would be contained in a procedural safeguard. I will say it has gotten much better since Antelope Valley, but time and time again, we get responses that are just cookie cutter, canned, cut and pasted, don't give us any insight into who they're going to be relying upon, what those people's positions are, what documents they're relying upon, all those things that are supposed to be contained in a prior written notice.

DIVISION CHIEF CASTILLO:

Thank you. Member O'Maley.

MS. O'MALEY:

I really appreciate what Mr. Shaw is saying. I would like him to possibly make this proposal a little bit tighter again, identify the statutory requirements. So, identify the statute requirements. And the four things that you mentioned, should those be identified in this proposal that are required to be reviewed?

DIVISION CHIEF CASTILLO:

Member Kamm.

MS. KAMM:

Hi. Yes, thank you. Yeah, I think that this is very concerning, and it follows the same pattern that we've seen with putting parents at a disadvantage again. And this reminds me a lot of what happened in the IEP process, where the district controls all of the documents, refuses to -- refuses to provide records to parents, waits until ten seconds before an IEP meeting to give the IEP document.

It all goes to lack of parental participation. Mr. Shaw, you also mentioned about identifying parties. I also understand that there -- a lot of times, there has been no vetting of the attorneys to make sure that the litigation has been approved by the board.

And so, we just have attorneys who are filing for due process against parents, and the board doesn't even know. And the problem with that is the board represents the public, and the public is supposed to know about all litigation.

So, we have big subversive actions going on here to keep the parents in the dark, to keep the public in the dark. And I think -- and my question for you, Mr. Shaw, is can you explain -- you did mention it a little bit, but on the civil side, are there specific judicial rules, like in civil cases, that OAH really should be mirroring, or is there something also, like in addition to the IDEA, but just very basic judicial rules that OAH maybe should be following that would allow some -- for some guidance here?

MR. SHAW:

I don't believe the rules of civil procedure apply to OAH in the administrative context, but I think the principles that are behind due process, you can look to the civil system to understand that when somebody files a response to a civil complaint in the civil context, there's certain repercussions.

You know, they have to admit or deny certain allegations. It's a -- it's a little bit different standard because there's no prior notice requirement, but they're locking themselves into a position. So, they have to raise certain affirmative defenses, which if they don't raise, they're later waived and so on.

Those responsive pleadings can become very important to how a case proceeds, not just at the trial level, but beyond at the appellant level as well. I think what's -- what can be frustrating from my perspective is when -- you know, routinely, we get them an hour before, when we have a precedent-setting Ninth Circuit case that squarely states that if a school district fails to timely file a response, the ALJ must not go forward with the hearing, and rather it must order the response to be provided and shift those costs.

So, in my mind, the way I tried to word this suggestion or my thoughts on paper was that it needs to be reviewed at the pre-hearing conference to ensure that it meets the statutory requirements. And everybody understands what the school district's position is.

We spend a lot of time trying to understand what the issues are for hearing, and I think that makes a lot of sense. The judge needs to understand, all parties need to understand, but we also need to understand what the position is of the school district, and what that looks like, and who they're going to rely upon, and what documents they're going to rely upon.

I think that gets to the basic tenets of what due process is and how due process should work. I mean, you have to remember, Antelope Valley grew out of a case where there was a -- an IEP that was not provided five days prior to the due process hearing.

It was backdated several weeks, and it was admitted into evidence, regardless of it not being disclosed five days prior to. And, you know, it created a lot of hardship for that particular family, because it took seven years to get that case, you know, the way it should have been from the get-go.

Had we spent the time in the pre-hearing conference to go over all these things, a lot of those mishaps could be avoided, in my opinion.

DIVISION CHIEF CASTILLO:

Any other comments from members of the committee? Member Snowden?

MS. SNOWDEN:

Yes, I have the case up, actually. And it says, failure to respond to the complaint. The IDEA requires a school district to respond to a parent's due process complaint within ten days.

The district failed to do this, and plaintiffs argue that this violated the IDEA. To be clear, the district didn't just miss a deadline; it failed to ever respond to the complaint. The district court found that the failure to respond didn't infringe MN's opportunity to participate in the IEP formulation process, and therefore wasn't a denial of fate, but this misses the mark.

The district's failure to respond may not have denied plaintiff a FAPE, but it still violated the IDEA and due process. Like an answer to a complaint, a response serves an important dual purpose. It gives notice of the issue in dispute and binds the answering party to a position.

A failure to file a response puts the opposing party at a serious disadvantage in preparing for hearing, as it must guess what defenses the opposing party will raise. The problem is particularly severe in an IDEA case because there's no discovery.

When a school district fails to timely respond, the ALJ must not go forward with the hearing. Rather, it must order a response and shift the cost of delay to the school district, regardless of who is ultimately the prevailing party.

So, that's the Ninth Circuit, and it was denied certiorari from the Supreme Court.

DIVISION CHIEF CASTILLO:

Mr. Shaw?

MR. SHAW:

Sure. And I would just -- so the -- so the public understands or whomever is listening, I'm not aware of a single situation since Antelope Valley where the latter part of what Ms. Snowden just read has ever happened, period.

As I've said, I've been in pre-hearing conferences where we get them 20 minutes before it starts. They're not complete. They don't contain all the relevant information. I've requested to delay the hearing. I've requested to shift the burden or the cost, and I've been told I'm not going to do that. Simple as that.

And this is binding Ninth Circuit case precedent. This is -- this is law that's supposed to be followed. And I don't believe it's being done consistently or with fidelity. And it does create a serious disadvantage for students when we're not aware of what the other side's going to say until we get into hearing, and we start that hearing.

DIVISION CHIEF CASTILLO:

Member Kamm.

MS. KAMM:

Well, it sounds to me, Mr. Shaw, if what you're saying is that some of these ALJs are not following the law, I think then, obviously, we have - we have to go back to OAH as a whole. We need to go back to -- I don't know if it's Mr. Morazzini, or Bob Varma, or certainly to the CDE, who is the agency that they are a vendor for.

And I'm wondering if there are any other repercussions for an ALJ who is not following the law. I assume that they are -- they are all bar-licensed attorneys, and I think that all bar-licensed attorneys are supposed to be following the law.

So, I mean, I kind of get -- it seems like we keep getting back to this with this advisory committee, that we keep asking and begging OAH to follow the law. And in -- we keep seeing cases, you know, over and over and over again where the ALJs are not following the law, OAH management is not making sure that they're following the law, the CDE is not following up to make sure that they're following the law.

So, I'm not really quite sure why we have to keep bringing this up as an advisory committee where we're advising OAH to please follow the law, and then they will determine whether they will or not. It just seems to me that if this is the law and they're not following it, then there really needs to be repercussions.

And I -- and I think that goes to, you know, Mr. Castillo to address.

DIVISION CHIEF CASTILLO:

Member Snowden?

MS. SNOWDEN:

Yes, shortly after Antelope Valley, I know that there was effort on OAH's part to follow this and require the district to file a response. But in the last, I would say, four years -- I agree with Mr. Shaw.

They're not -- sometimes, they don't even file a response, and the ALJ will not address it. So, I'm just curious as to what happened in terms of the ALJs following Antelope Valley, and then it's no longer followed.

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DIVISION CHIEF CASTILLO:

For you to -- Mr. Shaw, I told parties out there, I'm not going to talk about specific cases because I'm not aware of - however, there is no requirement under the IDEA, the regulations, or California regulations, that the response that Mr. Shaw noted and Member Snowden read from, the Ninth Circuit, be filed with OAH.

There's a requirement that the statute and in the federal regulations that the school district provide parents and/or their attorneys with a copy of the response after filing, but there is nothing under the IEA and its implementing regulations, or the regulations put forward by CDE that at the time that the document is sent to parents, that it be filed with OAH, unlike other documents and exhibits, et cetera, that statute and regulations require they be filed with the hearing office.

Mr. Shaw, Mr. Shaw, you had your hand up.

MR. SHAW:

Yeah, I'm not sure there's anything in the IDEA, though, that says that a due process complaint has to be filed with the Office of Administrative Hearings. I think the IDEA sets up the procedural framework such that that the LE -- or the SEA, the State Educational Agency, has some way of creating a due process system.

So, I think the spirit of the IDEA, and certainly my interpretation of it, does require a school district to provide a response and file it. And I would even go, I'm not aware of any area of the law. And this came up at oral argument during Antelope Valley.

I was involved in the case where the judge asked, is there an area of the law that you can point to where an opposing party does not have to file some sort of responsive pleading? They had no answer for that because there is no area where that happens.

It's a basic tenet of due process of law, which I believe is the intent of 1415 and the procedural safeguards. So, that would be my only thoughts on that piece. And I would also say that when -- you know, when there hasn't been any responsive pleading filed, and we bring it up at a pre-hearing conference, we're told, well, why didn't you file something?

You know, in civil litigation, when an answer is not provided, there can be a default. And obviously, that would not be appropriate in a special education proceeding. But I would go -- I would point out that even sua sponte, a state court or federal court judge can issue a default if too much time is passed in terms of filing a responsive pleading.

I'm not sure the onus is on the plaintiff to get the other side or, you know, the person requesting a hearing, whether it's a school district or a parent, to get the other side to do what it is that the law says that they're supposed to do.

DIVISION CHIEF CASTILLO:

Any other comments from Member Snowden?

MS. SNOWDEN:

So, I just looked at the IDEA, and it says that the response shall be filed to the parent. Would OAH recommend that we submit that as -- that we file it, and then request that it be addressed at a PHC?

I mean, how -- and if they haven't filed a response, do we -- are we -- should we, in our pre-trial motion, request an amendment or an addition that the response wasn't filed, or the response wasn't sufficient or timely, or -- because I mean, the Ninth Circuit says a hearing officer must not go forward.

I mean, it states it as a -- as a shall not go forward. So, how, does OAH recommend we address this issue, because it has become an issue lately.

DIVISION CHIEF CASTILLO:

Without knowing the specific cases, et cetera, any party has the right to file motions to address an item, and OAH will rule on it based on the responses that we get, and then if a party - the hearing will move forward or be taken up on appeal if a party feels aggrieved by an OAH ruling.

I can't get -- because there's so many permutations, I can't give a particular type of answer to this. And I'm not aware of any other district or Ninth Circuit decision, or any other circuit in the United States that has addressed this issue after Antelope Valley for any further guidance, concerning the response.

Member Kamm?

MS. KAMM:

Well, I'm a little confused by that because now you're saying that that decision should be made on a case-by-case basis by the ALJ, and I think that gets back to one of the issues that keeps coming up, is that there's inconsistency between the ALJs.

And for due process for parents, it should not depend on which ALJ they happen to get in the case. All parents should have the same rights. And if there's a Ninth Circuit decision, then I think that all of the ALJs should be following that.

I don't think that this should be just left up to the whims of whichever ALJ a parent happens to get at the time. I think that's very concerning, and it goes to, quite frankly, the -- you know, the OAH bending over backwards for school districts and being completely biased against parents.

And if this is another issue that is impeding the due process rights of parents, I think that this is a real problem, and OAH needs to come up with some kind of procedure for ALJs to follow so that there is not this inconsistency.

DIVISION CHIEF CASTILLO:

Member Snowden?

MS. SNOWDEN:

Yes, Your Honor. I just wanted to point out that it says when a school district fails to file a timely response, the ALJ must not go forward with the hearing. Rather, it must order a response and shift the cost of the delay to the school district.

So, I mean, how do we deal with that? I mean, if the Ninth Circuit says you must order a response, how is that -- how can we address that?

DIVISION CHIEF CASTILLO:

I think it's indicated that there's a question of -- and I'm not -- I can't (inaudible) response to Member Kamm. Each case is different as to what is the response. Is the response adequate? Has one been filed with one file that's untimely? One has not been filed.

So, there's -- we're talking lots of different permutations, as which -- well, I can't give a particular answer because I don't know which permutation, and there's so many, that it just goes too far into detail on that.

But, you know, it's something that's just raised at the pre-hearing conference. It can be raised to district court in viewing that the decision, if it goes against parent, was not proper because of procedural problem violations by the administrative law judge.

Beyond that, you know, it's case by case in looking at it because of the particularities of all different cases. Mr. Palmer?

MR. PALMER:

Yeah, I just wanted some clarification on what -- I'm trying to follow this conversation, but Ms. Snowden, are you reading from the Ninth Circuit case or from IDEA?

MS. SNOWDEN:

The Ninth Circuit case.

MR. PALMER:

Okay, so it's not -- it's not in IDEA.

MS. SNOWDEN:

IDEA says that the local education agency has to file a response or prior written notice within 15 days of the filing of the due process complaint.

MR. PALMER:

Okay.

DIVISION CHIEF CASTILLO:

Member Shaw?

MR. SHAW:

Sure. I think I would urge OAH to reconsider their position that IDEA specifically says that the response only has to be sent to the parent. I think of course it says that,

because it needs to go to the parent, just like a code of civil procedure talks about an answer being sent to the person who filed the lawsuit and having that appropriately served on them.

But that doesn't -- that doesn't mean it doesn't need to be filed with the OAH. And it certainly should be discussed as part of a pre-hearing conference. I think if you look at the -- again, I said this earlier, but just the procedural safeguards with respect to the filing of a due process hearing, it does not specify that it has to be filed anywhere.

That is some authority that's given through the statute to states to develop the due process hearing procedures, right, and we have different acts we look at that make up the totality of what that is. The intent behind it is very simple.

In due process, you have a complaint, and you have a response, and those both get filed with the court. So, the judge who's going to be looking at the case, particularly important in a bench trial, understands both parties' positions, but also so both parties understand their positions.

And certainly, based off of the black letter law and Antelope Valley, those -- that should be reviewed in the context of a pre-hearing conference to make sure that response is sufficient, just like our issues are reviewed, to make sure they provide clarity so everyone understands what the issues for hearing is going to be.

That seems like a very basic tenet of due process and very critical in order to provide due process in this context, particularly for pro per parents who are not represented by attorneys.

DIVISION CHIEF CASTILLO:

Member O'Maley? You're on mute, Member O'Maley.

MS. O'MALEY:

Could I read a possible -- oh, my god. Could I read a possible revision of this proposal?

DIVISION CHIEF CASTILLO:

We'll get to that after we get comments from the public about --

MS. O'MALEY:

Okay.

DIVISION CHIEF CASTILLO:

Member Snowden?

MS. SNOWDEN:

Can I just clarify that I said 15 days, but the statute actually requires a ten-day response?

DIVISION CHIEF CASTILLO:

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

MR. SHAW:

Yeah, just one other comment. The statute does talk about a response not being required if a prior written notice had been issued before addressing the issues that are being raised in the complaint.

In the many years that I have been working in this field, when we write a complaint, we rarely see PWNs or IEPs that would constitute a PWN or contain all the necessary information that really respond to the issues that we are addressing in the complaint.

Again, it's why I think it's a really important part of due process to have a clear understanding of both sides' perspective on things. I think it would be important for ALJs to understand both sides' perspective so people can prepare accordingly.

And when we get them hours before, 20 minutes before, you know, something has -- there has to be some sort of mechanism to address that problem.

DIVISION CHIEF CASTILLO:

Member Palmer? You're a mute, Mr. Palmer.

MR. PALMER:

Sorry. Do any of these perspectives get addressed or come out in mediation or alternative dispute resolution?

DIVISION CHIEF CASTILLO:

There are times where parties may discuss what they want to discuss in mediation, but that's just for purposes of mediation and mediation is confidential. The mediator will not be hearing the case.

MR. PALMER:

Yeah, I know, but I know in my -- in situations I've been involved in, the due process manager is often the alternative dispute manager. So, it's obviously in their

brain when they're hearing everything, particularly from the parent side, of the student side. And so, it does impact. And again, it goes to the issue of the advantage being with the school district.

DIVISION CHIEF CASTILLO:

Member O'Maley?

MS. O'MALEY:

One of the things that's a concern is that the remedies you mentioned that you can file in court, those all end up being a cost to the parent. When the school district violates the statutory procedures and violates IDEA requirements, the remedies end up costing the parent to do that who often can't afford that.

So, there needs to be a better management and training to create a consistent response of the ALJs so that there's consistency with this, and that there's an understanding of the statutory requirements in California, as well as IDEA, the federal requirement, which seems to be very -- it's variable.

Just it always depends on which ALJ you get, which happens in courts, too. In superior courts or in federal courts, it depends on your judge, but the ALJs, there's so much variability with them. I mean, I've experienced it as an attorney, and I've experienced it definitely as a parent.

DIVISION CHIEF CASTILLO:

Any other comments from members of the Committee? Any comments from members of the public?

LAURIE CROM:

There are no comments from members of the public, and there are no e-mails.

DIVISION CHIEF CASTILLO:

We do have now a comment from Sarah Adams.

LAURIE CROM:

Oh, thank you.

DIVISION CHIEF CASTILLO:

You can --

LAURIE CROM:

(Inaudible) --

DIVISION CHIEF CASTILLO:

unmute yourself. Okay.

MS. ADAMS:

Hi. Can you hear me okay?

DIVISION CHIEF CASTILLO:

We can hear you, and your three minutes starts now.

MS. ADAMS:

Thank you. I find this issue particularly pertinent to the current case that I have been assisting the parents, and similarly, just to support what Mr. Shaw has stated, the district did not respond in a timely fashion.

In fact, this matter had gone for an entire year without a prior written notice, and it was actually a request for a preschooler. So, this is a child who hasn't even started in the school district. And what was quite sort of disturbing to me was attending with the parents at the pre-hearing conference.

And you know, when the parents had actually filed a notice on the -- a few days prior to alert the ALJ to the fact that the district had not filed a response in a timely manner, and it was just brushed to one side.

So, it kind of concerns me because I do appreciate what was stated about -- well, you know, on a case-by-case basis, and the parents also can file a notice and make the ALJ aware, but it's quite apparent to me that even when the ALJ is made aware of the deficiency, that there was nothing, no correction, nothing of the sort.

In addition to that, it makes it very difficult for a parent who's representing themselves or their child to be able to effectively put together their pre-hearing conference statement, which of course, you know, is pretty important when it comes to then arguing over what the substance of the -- their case actually is.

And of course, the -- you know, where they don't have any legal background, they're at a further disadvantage. So, it does seem like there needs to be some proper rules in this situation, because it just quite blatantly benefits the district.

And as I have seen personally outside of these proceedings, the manner by which the district behave is quite shocking, actually. I mean, I -- as you can tell, I'm British, but I live in the US. And you know, I've not really seen this sort of treatment of special education students until I came here.

It has sort of frightened me a little bit, the amount of harm that is being done. And then these proceedings seem to sort of further enhance that harm and leaves parents in a state with some very, very disabled children who are unable to get their children the support needs in the education that they are actually required to -- the district's required to provide under law.

So, I do support everything that's been said by the Committee, you know, in terms of something has to be some -- there needs to be greater stringency in the responses.

LAURIE CROM:

(Inaudible) --

DIVISION CHIEF CASTILLO:

Okay, any other public comment?

LAURIE CROM:

There are no further public comments.

DIVISION CHIEF CASTILLO:

Okay. Member Kamm, you have your hand up?

MS. KAMM:

Yes, I just want to point out that, you know, as has been said, when -- anything that puts the burden on the parent increases the time and cost for the parent. And we have an already very unfair system, because anything that increases the time for the school district is actually beneficial to the attorneys who are paid by the hour.

So, attorneys who represent school districts are actually benefiting by stringing things out, taking more time. They get paid by the hour, so of course they want to do that. And if they are going to, you know, file things and do whatever, they're paid every single time.

The parent, on the other hand, is usually taking time off of work. They're trying to figure out these issues if they're not represented by an attorney. Every single delay costs them money and time. And so, it's already a very imbalanced system.

And I -- and I'm really shocked and pretty dismayed that the ALJs are once again benefiting the school districts to the detriment of parents. We've seen this over and over again. We see that the decisions are being made. It's still the vast majority of decisions are being made in the favor of the school districts.

So, the favoritism for that side is just still very blatant, and this seems to be an issue which should be very clear cut for the ALJs to follow. So, I just wanted to point that out.

DIVISION CHIEF CASTILLO:

Member Palmer?

MR. PALMER:

Yeah, I just wanted to add to that comment that not only does it disadvantage the parent, but the student. I mean if there's something that can be done that allows the proceedings to go more quickly, that is going to be a benefit to the student.

Anything that postpones or prolongs the due process, the kid is getting older, they're losing more education, they're falling farther behind. So, if this recommendation can expedite the proceedings and make things more clear, I am -- we need to be for that.

I mean, you know, kids need to get the services and the help as soon as possible. All research says that the best remediation is early remediation. So, the longer we wait, the greater harm is coming to the student.

DIVISION CHIEF CASTILLO:

Okay, that - Mr. Shaw, would you like to make a recommendation on this --

MR. SHAW:

I'm comfortable --

DIVISION CHIEF CASTILLO:

(inaudible) to consider?

MR. SHAW:

Yeah, I'm comfortable -- thank you. I'm comfortable with the way it's worded currently.

DIVISION CHIEF CASTILLO:

Okay. Is there any second? Ms. O'Maley, Member O'Maley.

MS. O'MALEY:

I would like to offer a revision, if you would allow me. It would say during a pre-trial conference hearing, comma, the ACL -- the ALJ shall review the responding parties' timely response to the request for a due process hearing to ensure all parties understand the legally required specifics of the responding parties' position, and to ensure it contains all statutory requirements, comma, including IDEA, comma, of a special education response.

JUDGE YAZIGI:

So, I wasn't able to capture all that.

MS. O'MALEY:

Would you like me to repeat it?

JUDGE YAZIGI:

Yes, please. So, let's start at the beginning.

MS. O'MALEY:

Okay.

JUDGE YAZIGI:

The recommendation as it stands from Mr. Shaw is that during a pre-hearing conference, the ALJ shall review the responding parties' -- did you say timely response?

MS. O'MALEY:

Yeah, first during a -- I'm sorry, I'm big on punctuation. During a pre-hearing conference, comma, the ALG -- the ALJ shall review the responding parties' timely response to the request for a due process hearing to ensure all parties understand the legally required specifics of the responding parties' position, and to ensure it contains all, instead of the, all statutory requirements, comma, including IDEA, comma, of a special education response.

JUDGE YAZIGI:

I think I've captured it all, that during a pre-hearing conference, comma, the ALJ shall review the responding parties' timely response to the request for a due process hearing, to ensure all parties understand the legally required specifics of the responding parties' position, and to ensure it contains all statutory requirements, comma, including IDEA, comma, of a special education response.

MS. O'MALEY:

That's correct.

DIVISION CHIEF CASTILLO:

Member Shaw, would you like to keep your proposed recommendation as written or as modified by Member O'Maley?

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MR. SHAW:

I don't mind the modification with the exception of the use of the term, timely. I think a response should be reviewed period. If it's untimely, that should be a topic of discussion as to what is going to happen, consistent with Antelope Valley, because it wasn't timely provided.

DIVISION CHIEF CASTILLO:

Okay.

MS. O'MALEY:

But are -- question. Are you saying that even if they send it 20 minutes in advance, you want it still reviewed?

MR. SHAW:

It should be reviewed for the timeliness at that point; not just the substance of what's in there.

MS. O'MALEY:

Okay. Then then we can delete that if that's important to you.

DIVISION CHIEF CASTILLO:

Okay.

MS. O'MALEY:

Okay.

MR. SHAW:

If we can just --

MS. O'MALEY:

Delete the word timely, please.

JUDGE YAZIGI:

All right, so deleted.

DIVISION CHIEF CASTILLO:

If you can read it, Judge Yazigi.

JUDGE YAZIGI:

All right. That during a pre-hearing conference, the ALJ shall review the responding party's response to the request for a due process hearing to ensure all parties understand the legally required specifics of the responding party's position and to ensure it contains all statutory requirements, including IDEA, of a special education response.

DIVISION CHIEF CASTILLO:

Is there a second to the proposed recommendation for 16?

MS. MENDEZ:

I will second that.

DIVISION CHIEF CASTILLO:

Member Mendez has seconded it. Is there any further comment from members of the public on the proposed recommendation? Any comments from members of the public on the proposed recommendation for 16?

LAURIE CROM:

There are no comments from members of the public, and there are no e-mails.

DIVISION CHIEF CASTILLO:

Okay, we will take a vote on the proposed recommendation for agenda item 16.

For Northern California, Member Padron?

MR. PADRON:

Yes.

DIVISION CHIEF CASTILLO:

Member McCoy?

MS. MCCOY:

Yes.

DIVISION CHIEF CASTILLO:

Member Shaw?

MR. SHAW:

Yes.

DIVISION CHIEF CASTILLO:

Member Molina? Member Molina?

MR. MOLINA:

Yes.

DIVISION CHIEF CASTILLO:

Okay. Yes from Member Molina. Member Mosqueda?

MR. MOSQUEDA:

Yes.

DIVISION CHIEF CASTILLO:

We have five yeses from Northern California. From Southern California, Member Palmer?

MR. PALMER:

Yes.

DIVISION CHIEF CASTILLO:

That's a yes from Member Palmer. Member Kamm?

MS. KAMM:

Yes.

DIVISION CHIEF CASTILLO:

Member Sherrill?

MR. SHERRILL:

Yes.

DIVISION CHIEF CASTILLO:

Member O'Maley?

MS. O'MALEY:

Yes.

DIVISION CHIEF CASTILLO:

Member Mendez?

MS. MENDEZ:

Yes.

DIVISION CHIEF CASTILLO:

Member Snowden?

MS. SNOWDEN:

Yes.

DIVISION CHIEF CASTILLO:

We have six yeses from Southern California. So, it has passed both committees, and the Office of Administrative Hearings will respond to that proposed recommendation. Right now, it is time for public comment.

So, I'm looking to members of the public who are in attendance here today, on any public comment that they would like to make as to anything within special education and the Office of Administrative Hearings. Be aware that, as to any case discussions, careful as to mentioning -- not to mention any student's name or any identifying information.

We have Sarah Adams, if you can -- all right, and if you can unmute, and you'll have three minutes.

MS. ADAMS:

Okay. Yeah, I just want to speak just very generally about having gone through this process and the concerns I do have for the parents' rights, and actually, more particularly, the students' rights.

And in these cases, we're typically talking about students with very complex and severe needs. And in these cases, there seems to be the conduct from the district that, you know, it doesn't fit very -- it doesn't fit very precisely into any of the issues that a parent can sort of evoke in these proceedings.

You know, say for example, they had an experience this week where the attorney for the district refused to provide a witness list, or refused to provide information about the availability of district witnesses. And then, in addition to that, when the parent submitted the request for the district witnesses, the -- this individual then sought to just remove those from the witness schedule.

And there's been a lot of tactics that I've seen in the past week that really do frighten me, actually, because as I state, we're talking about a federal obligation here that states adhere to these laws.

And then, what seems to be happening is without really any insight as to whether the district is even aware, these lawyers are coming in, and they're using tactics that I don't expect to see in a process that's not supposed to be strictly adversarial, and the tactics -- having gone through a divorce, the tactics I've seen in this special education process are worse than the tactics that I saw in my own divorce case, and that I find pretty frightening, because at least in a divorce, you've got equal parties.

This is -- this is a situation where you have parents who are already struggling with their disabled children, and you know, high-powered lawyers essentially litigating against them, using tactics that have no place in these proceedings and are really quite harmful, not just to the parents, but also the child, and then also the relationship the parents can have with the child, because as another committee member mentioned, the loss to work, the isolation, the alienation, all of the things that are associated, and then the fear the parent has when they are receiving e-mails from lawyers and they are threatening them and hounding them.

All day yesterday, I can count, we received 17 e-mails from this one lawyer for the district. I don't know how any parent manages that to work. I think that something has to be done about the conduct of these lawyers where parents are unrepresented such that they can be flagged, where there is, you know, conduct that would be -- would otherwise constitute attorney misconduct in any other sphere.

And that's really all I have to say on this matter.

DIVISION CHIEF CASTILLO:

Thank you. Any other public comments?

LAURIE CROM:

There are no additional public comments and no e-mails.

DIVISION CHIEF CASTILLO:

With that, I'd like to thank Member Kamm.

MS. KAMM:

Yeah, so I would like to make a few comments. I think that anybody who is on this committee or watching this should also look at the Advisory Commission on Special Education. It is run completely differently than this committee.

The CDE acts with respect to the commission members. They provide information and reports. They actually take the input and advice from the Advisory Commission members.

This Advisory Committee is run completely differently. I think that there has been a lack of respect, as was noted earlier, for Mr. Palmer's very astute observation that it specifically said that we were going to discuss that item, and then it suddenly doesn't show up on the agenda.

I think that that is potentially a Bagley-Keene Act violation. I'm really concerned that as the Southern California chair, the recommendations for the agenda that I provided were completely ignored.

I was told that it had to be put on a Word document. I have not received any valid policies or procedures to that effect. Everything seems to be at the whim of some OAH employee, and my concerns -- and this is another concern.

The agenda did not even address -- we did not even get to discuss the committee recommendations and what happened with the complete non-response of OAH on the previous recommendations. So, for example, the first one, item 6A, says the recommendation was that OAH provide a written description of the process by which OAH Advisory Committee proposed agenda items are accepted or rejected.

We have asked for this over and over and over again. And OAH's response, which is a non-response, was that OAH proposes that the Special Ed Committee consider discussing at this meeting here today, that for subsequent meetings, that the Northern and Southern California chairs will jointly select agenda items.

Okay, well that's interesting, but that is completely non-responsive to what the recommendation was. So, OAH has completely failed to do its duty to respond to the recommendation. The same is true for agenda item 6B. Again, this was non-responsive.

The recommendation was that OAH provide a written description of the process by which the OAH Advisory Committee has been approved by the committee by vote, are accepted or rejected. Again, it's saying - asking for specific staff and the criteria used.

Again, OAH, non-responsive. It says it will internally meet with OAH staff. That is not -- that is not responsive, and there was no criteria provided. The third item, item -- agenda item number seven, each ALJ will create their own standing order, which specifies how the ALJ will deal with witnesses, evidence, issues, et cetera.

OAH non-response. It refers to the standard OAH pre-hearing conference orders. Each one of these were non-responsive, and that -- this makes this entire advisory committee just a sham. The OAH is not abiding by the interagency agreement, which

specifically says that the OAH does need to consider the Advisory Committee's recommendations, and the recommendations for -- from the last meeting were absolutely ignored.

You also just ignored the recommendations by the Southern California Committee chair to look at those issues. You did not put those on the agenda. You also failed to put on the agenda, which was very clearly marked here, that the discussion would happen at the June 20th meeting.

So, I think that not only do we have all kinds of procedural violations, perhaps Bagley-Keene, again, we have the basic issue here that OAH is biased against parents, OAH does not want to make any recommendations that will help parents, you will not listen to any recommendations from us to help parents.

And I certainly hope that with -- according to my count, every single vote at this meeting was unanimous for Northern and Southern California. Now, if OAH does not take into consideration and vote to agree to those recommendations, then I think OAH better come up with some really specific, detailed reasons why that is.

Because we've all volunteered our time here, we have all voted unanimously for every single agenda item that you have allowed on the agenda, and I think that these recommendations need to be taken seriously, and we really need to stop these sham meetings, and OAH really needs to work per the interagency agreement and work as government workers working for the public and actually do its job. Thank you.

DIVISION CHIEF CASTILLO:

Mr. Palmer?

MR. PALMER:

Yes, I came into today's meeting hopeful, reading the recommendation and seeing that, you know, the proposal from OAH was that we discuss how the agenda items get on the agenda. I came in hopeful that, you know, things were going to change, but as the meeting has unfolded, I -- I've lost that hope.

And it's just really disheartening that, you know, parents are continually, and students, are put in the place to be disadvantaged. You know, it doesn't benefit society to not educate our children to the degree to which they can be educated.

My daughter would have been, was beginning to be pushed down the hall into a classroom that was merely going to babysit her, but because of my advocacy, she now has graduated from college with a degree in civil engineering and will be a productive member of society because of my advocacy.

If it had been up to the school district, she would go no further than being a bagger at a grocery store or a laundress, as they give them in work study at the school district. And so, it's just really disheartening that I take my time, and it doesn't matter. It really doesn't matter.

And fortunately, I've saved my children from this hellhole, but there are many other children that are languishing.

DIVISION CHIEF CASTILLO:

Thank you. Member O'Maley?

MS. O'MALEY:

I think another thing we need to remember in the inequities, is that the attorneys for the school district, which are always one or two of them at least, are paid with our taxpayer dollars to work against us, while we have to pay with our after-tax dollars to hire an attorney, if you can get one that can take the case, because there's so, so, so few of us.

And I was unrepresented at a number, but because I was well-educated, and like Mr. Palmer, advocated, you know, my daughter got -- I got compensatory - I got compensatory services. I had the school district have to pay my attorney.

I mean, I -- but I had to fight, and I went -- I went through hell. I went to sometimes where I thought I can't keep doing this. It is a nightmare for parents, and it's gotten worse, and the violations by the school districts, the violations by the attorneys for the school districts against the parents, and the way I was abused by the attorneys, by the school districts, is just unconscionable.

And we are -- as Mr. Palmer said so clearly, all we're doing is harming children. We have special ed directors that won't allow the administrators, won't allow teachers to speak up in meetings. They've been silenced.

It's such an inequity that, unless some of these proposals are heard and taken to heart, then I think the public needs to know, you know, what's going on, and just how unfair this system is. And the fact that these proposals weren't put on this agenda, I find inexcusable.

I don't know what's going on on your end, but this has happened before. And it just needs to be better managed on your end, because we're all contributing our time, and I think there's a lot of sense of discouragement by the members of this committee.

And this committee is essential. It's an essential safeguard that needs to continue with people who are committed and who have some experience in this area. So, I urge you to take what is said here very seriously. I urge you to make sure that whoever are your minutes-keepers, et cetera, follow up for the next meeting with the agendas as agreed, and that if agenda items are submitted -- if we are going to be so picky about the format, then let us know what the format has to be in advance in writing in specifics.

Because this saying that it wasn't presented that all of Ms. Kamm's, you know, proposals were not accepted because they weren't in a specified format is another inequity that continues by this random response of OAH.

And if you look back to when McGeorge ran it, it was far more of an equitable response between parents and school districts. Since OAH has taken this over, it is almost -- it is skewed so far percentage-wide to the school districts. And it's hard to believe that suddenly the parents' issues don't have enough merit to prevail, or have, you know, the prevailing merits in a hearing.

And from someone who's been at this for almost 22 years, I am just becoming almost outraged at how these proposals aren't ending up on our agendas, and it's been consistent that this has happened. And it was an agreement that that proposal would be put back on, the one Mr. Palmer said was an agreement.

It was proposed and agreed that it would be on the agenda this time. I mean, I keep my folder with notes, and I went -- that's when I got back and went up and looked, and it was, because I write all my notes on the actual agenda each time.

So, I think we need to get a tighter management from your end, please, of what's agreed to in these meetings, so that when the next meeting comes, the proposals are on there. And if you have a specific requirement for how you want -- for how our proposals need to be submitted, please get those to us now so that for the next -- you know, in the next -- when we have our next meeting in -- I think it's October, or is it November?

DIVISION CHIEF CASTILLO:

October.

MS. O'MALEY:

Okay, October. That all the proposals that we would like to submit actually end up on the agenda. Thank you.

DIVISION CHIEF CASTILLO:

We have a public comment from Teresa Williams. If you can please invite there and unmute.

MS. WILLIAMS:

Hi, this is not about any of this, and it may not be an appropriate time. I've just been listening to the whole meeting. I don't know how to get something on the agenda or ask the question, but I'm just wanting to know if there's any way that OAH can make the file share more like a court docket so we could see which -- what each party has filed.

I know that's been talked about in the past and never readdressed. So, that was my comment, and I don't know if this is the appropriate time or how to go about doing that.

DIVISION CHIEF CASTILLO:

If you'd want a response, you can send me a letter, and I can respond to that.

MS. WILLIAMS:

Thank you.

DIVISION CHIEF CASTILLO:

Member Snowden?

MS. SNOWDEN:

Moving forward, and not to discount Ms. Kamm, Mr. Palmer, both the -- and Ms. O'Maley's sense of frustration. Moving forward, since Mr. Shaw and I are going to be the chair and collector of the agenda for October, are all of our e-mails made public?

I mean, is there -- is there -- how do we ensure that the other members can contact us with their concerns and comments for the agenda for October? And then, is there a way for open communication with either Mr. Shaw or myself with OAH as to the format, or how do we make it a smoother, positive, productive moving forward?

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DIVISION CHIEF CASTILLO:

You will get the request for agenda items from our SE ops, and that would be the e-mail to respond back to for questions as to format. We can tell you that we basically just cut and paste and put those on the agenda items, unless there's a major typo or something that -- to correct, but otherwise, we just put what's sent to us.

As to public records, I have not researched what the PRA applies to committee members there, but if e-mails get to the Office of Administrative Hearings, and then they become subject to Public Records Act requests.

MS. SNOWDEN:

Is there a way -- I mean, I know I have Ms. Kamm's and Mr. Shaw's and Ms. Mendez's e-mails. I don't have the other members' e-mails.

DIVISION CHIEF CASTILLO:

We'll provide that to you.

MS. SNOWDEN:

Okay, perfect, thank you.

DIVISION CHIEF CASTILLO:

Any other is speak on the public comment provision. Any other comments from members of the public?

LAURIE CROM:

Giving it a minute here. There are no comments from members of the public, and there are no e-mails.

DIVISION CHIEF CASTILLO:

Okay. Ms. O'Maley, you've already had a chance to speak on the public comment provision. Member Mendez?

MS. MENDEZ:

Yes, I would like to propose that if we're going to be ending early, which we may or may not be doing right now, that that time be added to the next meeting, given the issues that we have identified today of not addressing the specific agenda items so we have enough time to go through the agenda items at the next meeting.

DIVISION CHIEF CASTILLO:

I can't give an answer to that. OAH has scheduled from 9:30 to 1:00, taking into considerations everyone's calendar and time constraints. And always worried that -- in the past, when we've gone over, we have lost committee members that reduces -- that we don't have a quorum and causes administrative difficulties.

We've already received a comment from Ms. Adams on this, so that -- I'll be taking any further comments from Ms. Adams. With that, we -- there's no further comments from the public. This meeting will be ending. If you can stop the recording and end the webinar.

ADVISORY COMMITTEE MEETING CONCLUDED

CERTIFICATE OF TRANSCRIPT

I, Nicholas Shupe, 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 June 20, 2025, Office of Administrative Hearings, via Zoom videoconference. This is the 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 1st day of July, 2025.

Nicholas Shupe

Transcriber

Northern California Court Reporters