

**TRANSCRIPTION OF RECORDED MEETING
OF
SPECIAL EDUCATION DIVISION
ADVISORY COMMITTEE MEETING
OCTOBER 17, 2025**

Advisory Committee Members Present:

JENNIFER ADAMS

DANIEL SHAW

DEBRA KAMM

APRIL MCCOY

LAUREN-ASHLEY MENDEZ

DAVID PALMER

ALFONSO PADRON

DAVID MOLINA

SUZANNE SNOWDEN

STEPHANIE VENIEZ

OAH Staff Present:

ASHLEY AMES

ANNA BROWN

PETER PAUL CASTILLO

OAH Staff Present (Continued):

LAURIE CROM

TRINITY DORANTES

TARA DOSS

JESSICA PLITT

JOY REDMON

BOB VARMA

CLAIRE YAZIGI

Spanish Interpreters: LETICIA REYNA and MICHAEL SOLER

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.

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OCTOBER 17, 2025

DIVISION CHIEF CASTILLO:

I'll start the recording. Sorry about that. We are here for the October 17th, 2025 Special Education Advisory Committee Meeting. The interpreter can start the consecutive interpretation. I will be going over the instructions for people who'd want to listen in to our Spanish channel.

INTERPRETER REYNA:

Yes, of course.

DIVISION CHIEF CASTILLO:

Welcome to the October 17th, 2025 Special Education Advisory Committee meeting. For video conference attendees who would like to listen to the proceedings interpreted into Spanish, we will be turning on the interpretation feature after the explanation.

This interpretation feature is not available for telephone participants. When this feature is turned on, you will see a button on your meeting controls at the bottom of your screen labeled, "interpretation." You will need to click that button and select the language you wish to listen to in the meeting. Specifically, whether you wish to listen in English or in Spanish.

The interpreter will only be broadcasting their voice into the channel in which they are currently interpreting. For this reason, unless you are listening to the Spanish channel, you will not hear the interpreter, except for instances where they may be interpreting a comment made by a Spanish-speaker into English.

Will you please turn on the interpretation feature, Laurie? Okay. The interpretation feature is on, if you could please select a channel. For committee members, it is important that you select English, as it will help the recording of today's committee meeting.

Okay. And with that, I'd like to introduce today's interpreters, Leticia Reyna and Marc Gutierrez, and they'll be switching off doing simultaneous interpretation today.

As we start today's meeting, this is a reminder that, notwithstanding the message that came on when you all entered the room that this proceeding is not to be recorded, that message is for the OAH mediations and hearings. It is not applicable to Advisory Committee meetings.

I can hear you, Mr. Gutierrez. If you can go in the Spanish channel. Okay, Michael Soler, sorry. Okay. Sorry about that, Mr. Soler. And just a reminder for people to -- that for Advisory Committee, under the Bagley-Keene Open Meetings Act, you may record this by cell phone, audio recording, however you want to record this, either by video, or audio, or both.

Also, a reminder to the members that the chat function has been turned off for this, so there will be no chat function for this meeting.

I would like to thank members of the Northern California and Southern California Advisory Committee for attending. I will be taking roll right now to have a quorum. This is a reminder for the committee members, that any time that you're speaking, pursuant to the Open Meetings Act, that your camera must be on so that the community that is watching today's advisory committee can see who is speaking today.

So, I'll be taking roll. If you are here, please say "here." I'll start first with Northern California. Alfonso Padron.

MR. PADRON:

Here.

DIVISION CHIEF CASTILLO:

Thank you. April McCoy.

MS. MCCOY:

Here.

DIVISION CHIEF CASTILLO:

Daniel Shaw.

MR. SHAW:

Here.

DIVISION CHIEF CASTILLO:

David Molina.

MR. MOLINA:

Here.

DIVISION CHIEF CASTILLO:

Thank you. Eugene Mosqueda. Mr. Mosqueda is not here. Jennifer Adams.

MS. ADAMS:

Here.

DIVISION CHIEF CASTILLO:

Okay. Five here, so we do have a quorum in Northern California. For Southern California, David Palmer.

MR. PALMER:

Here.

DIVISION CHIEF CASTILLO:

Debra Kamm.

MS. KAMM:

Here.

DIVISION CHIEF CASTILLO:

Was that present, Ms. Kamm?

MS. KAMM:

Yes. Can you hear me?

DIVISION CHIEF CASTILLO:

I can hear you now. Thank you.

MS. KAMM:

All right, thank you.

DIVISION CHIEF CASTILLO:

Okay. Justin Sherrill. Mr. Sherrill is not present. Lauren-Ashley Mendez.

MS. MENDEZ:

Here.

DIVISION CHIEF CASTILLO:

Stephanie Veniez.

MS. VENIEZ:

Here.

DIVISION CHIEF CASTILLO:

Suzanne Snowden.

MS. SNOWDEN:

Here.

DIVISION CHIEF CASTILLO:

We have five members present in Southern California. We have a quorum both in Southern California and Northern California. And at this time, I would also like to do introductions. I am Peter Paul Castillo, Division Chief, Administrative Law Judge of the Special Education Division. Present. And I'm in, right now, in our San Diego Office.

Present in our Sacramento Office is Deputy Director of the Office of Administrative Hearings, Bob Varma. We are in compliance with the Open Meetings Act by having a department representative available in both public locations.

Also present on video conference is Presiding Judge, Administrative Law Judge Tara Doss. Introduce our newest ALJ, Jessica Plitt, who started at the beginning of October, and she is in our Oakland Office.

This is seen with today's meeting, our -- for Special Operations staff, Trinity Dorantes, who is our newly promoted staff service manager over the operations staff, replacing Marine Trotter (phonetic), who was here at the last meeting. Also here are Anna Brown in the Committee Room, Laurie Crom, and our newest operations staff member, Ashley Ames.

This is quick explanation of the meeting format. We are using the Zoom webinar. All our committee members today are attending by video conference.

For the committee members, when -- if you want to speak, please use the raise hand function at the bottom of the screen to raise your hand, and I will call upon you. If there's multiple people raising hands, I will try to go with the first person who raised my hand, and second and third.

For members of the public, when it is time for public comment, you'll have three minutes to speak. If you'd wish to speak, please raise your hand. We will go into the attendees and start inviting you into the committee room where your three minutes start when you first start speaking.

Please follow the directions that will be given when you're invited in to come into the room, and then to unmute yourself. If you are participating by telephone and you wish to speak for public comment, please hit star-nine. That will raise your hand. And when you are invited in, please hit star-six, and then you will come into the room and speak.

For member – and for people who are sending e-mail comments, we do send – accept e-mail comments through the Special Education Advisory e-mail during today's meeting. Please put, on the subject of your e-mail, the agenda item that you wish to be heard upon, and we will read it during the public comment portion. We'll read three minutes of your e-mail.

If you do not list your agenda item, you'll be read at the end when we go over general public comments to the Advisory Committee. And also, for – never mind.

Today's meeting is being recorded. At the end of today's meeting, we will be sending out the recording for transcription, and having – then posting the transcription on our Special Education Advisory Committee page.

Just a brief overview of the Advisory Committee process. We will go over the agenda items. I will read the – I will ask the person who made the proposed – who made the agenda item to please read it. If OAH needs to provide any legal explanation at that time, OAH will, and then we'll start up public – I mean, then we'll start up committee discussion.

During this time, as I indicated, any committee member who is speaking, please make sure that your camera is on. After the committee members have discussed the agenda item, we'll take public comment. Then after the public comment, I will ask any member of the committee if they would like to make a recommendation for the Office of Administrative Hearings to consider.

Then I will ask for a second to the recommendation, we will take more comments from the committee, take comments from the public, and then we'll have a vote, and if the -- passes by majority of either the Northern or Southern California or both committees, OAH will respond to the proposed recommendation made by the committee.

When it's time to vote, please say yes or no to the committee members and make sure that your cameras are on. And the vote will be done by roll call. Assisting me as the secretary of today's meeting is Administrative Law Judge Claire Yazigi, who will be

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taking the roll as to the votes, and also as to the proposed recommendation, making sure that we have got it correctly, and it covers what the committee member or members do want.

To the members of the OAH staff who are here, you may turn off your cameras now. For the current members, for Southern California members, David Palmer, Debra Kamm, Justin Sherrill, and Lauren-Ashley Mendez, your terms will expire before the next meeting.

Sometime in February or March, we will be taking applications for the new committee members. You may – all individuals who – names that I've mentioned, you may reapply for the vacancy for two-year appointment.

For Northern California, members Padron, McCoy, Shaw, Molina, and Adams, your terms also expire in May of 2026, and OAH will be soliciting applications in February and March for those.

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

If a member misses two meetings, they may be – they may be removed from the committee, and OAH will start the application process and choose a replacement.

As I indicated earlier, the Special Education Advisory Committee follows the Bagley-Keene Open Meetings Act. There is a link on the Special Education Advisory page to the Open Meetings Act. The Open Meetings Act does permit the Office of Administrative Hearings to conduct this advisory committee by hybrid processing, which members may be in-person, or they may be – participate by video conference.

The law has been extended for that participation, so the June, 2026 meeting, we'll participate in the same manner as we are participating here today.

For the June, 2026 meeting, after the selection of the new committee members, we'll be soliciting from those members, if anyone wants to be the Southern California and northern California chairs, and at that time, we'll be getting agenda items.

So, at this moment, I know for some of the members whose terms are up, I'm going to be soliciting if you'd want to be the committee chair, and if you are reappointed, then you'll become the committee chair for the next meeting. And if for some reason you are not selected to the committee, OAH will solicit from the other members if anybody wants to be the committee chair.

So, first, for Southern California, would anybody wish to be the agenda collector for the June, 2026 meeting? Member Kamm?

MS. KAMM:

Hi. I just had a question on the selection process. I don't know that you have it listed, other than OAH will determine who is selected once applications are sent in. So, what is the criteria to become an Advisory Committee member? If you could explain that, I think that would help people understand whether or not they want to apply.

DIVISION CHIEF CASTILLO:

We will. I will explain. Pursuit to statute and regulation, the Office of Administrative Hearing is supposed to have members of the special education community, parents, attorneys representing parents, advocates representing parents and students, and also individuals who work for local education agencies and attorneys for representing local education agencies.

A majority of the membership are to be parents, students, and/or representatives of parents and students. We are looking for individuals whose sons or daughters have IEPs and receive special education services, or have in the past and can speak about their experiences in the process here at the Advisory Committee.

For attorneys or advocates, we are looking for individuals who participate in the representing parents, students, and school districts, who – in the whole process of special education, and from attending IEP team meetings to due process hearings, to get their input about the process in OAH's – how OAH is doing.

We do have people who are attorneys, and also parents of children with disabilities who have or have received, in the past, special education services. So, that – who we are looking for. We do take members – I'll get to your question in a minute, Ms. Kamm.

We do look at representatives from all parts and try to space out membership, so not everyone – like, the – not everyone's in Sacramento, not everyone's in Los Angeles (inaudible) so we get representation of all of California.

Member Kamm?

MS. KAMM:

Okay. Thank you for that. So, part of the criteria then is geographic location. I was just really more interested in if you get, let's say, ten parents who want to be on the committee, what -- how do you -- what is the selection criteria beyond those basics?

How would you determine one parent over another or one attorney over another if they both met those other basic criteria?

DIVISION CHIEF CASTILLO:

As part of the application process, applicants are asked why do they want to participate in this advisory committee, and we will look at that statement that people provide, just the general information that they provide about themselves, and the OAH Executive Team will review those applications, then make a determination of membership.

Part of, also, is trying to get people who have not participated in the past, to get fresh voices. The usual process is – over the years, since OAH has taken over the contract in 2005, people can serve two terms, and then we will then look at somebody else for that spot.

Okay. Going back. So, Member Kamm has agreed to be the committee chair for the June, 2026 meeting. With that, she will be the committee chair and collect the agenda items and transmit those to OAH, if she is a member in 20 – in June of 2026.

Is there anyone in Northern California who would like to be the committee chair to collect agenda items? Not seeing anyone in Northern California, we will put that out again after we select the new members in May of 2026.

MR. SHAW:

Judge Castillo, this is –

DIVISION CHIEF CASTILLO:

Yeah.

MR. SHAW:

– Danny Shaw. I have – I'd be happy to volunteer, but I don't believe I'm eligible because my term ends, and I've done this twice, so I don't think I can reapply. So –

DIVISION CHIEF CASTILLO:

That's correct, Mr. Shaw. Yeah. For people who have been members for more – for two terms, we'd ask that they can reapply after sitting out for two years.

MR. PADRON:

Judge Castillo, I am – I will be available to be that member –

DIVISION CHIEF CASTILLO:

Okay, Mr. Padron.

MR. PADRON:

– if chosen again.

DIVISION CHIEF CASTILLO:

Okay. That is for the preliminary matters. We will now go into the substantive agenda items. Make sure that I have the number. So, this would be agenda item number four.

Member Kamm, can we start off the discussion?

MS. KAMM:

Okay. Thank you. Okay, so the agenda item is that OAH follow the interagency agreement. Let me just pick this up. Follow the interagency agreement with the CDE.

Just to provide a little bit of background for the parents listening, the IDEA requires that the California Department of Education and every state educational agency hire a neutral party to administer neutral mediations, and also oversee due process hearings, if special education cases get to that – get to that level.

So, the CDE has been in contract with OAH. I believe you just said since 2005, and that interagency agreement is listed on the OAH website. The interagency agreement has had a few changes this year. Notably, Mr. Castillo, you are now also a contract monitor, along with Katie Maloney-Krips (phonetic) who is the CDE contract monitor, to ensure that all of the provisions within that interagency agreement are followed.

One of the provisions in that interagency agreement is that the CDE approve all policies and procedures by OAH, since OAH really is just a vendor of CDE, and the CDE has full legal responsibility for the actions of OAH, as is my understanding.

There have been several policies and procedures implemented by OAH which have not been approved by the CDE. This was confirmed via a public records request to the CDE, that they have not approved any, actually, of the provisions or policies within the interagency agreement, and I think that's very concerning.

One of the issues, also, is the fact that OAH, as I mentioned, is supposed to be a neutral agency and provide neutral mediators and due process hearing officers. There have been concerns for a long time that OAH, as an entity, is not neutral because it is a division of the Department of General Services.

DGS is the business office of the State of California whose sole mission is to provide efficiency and reduce costs for the state. Several people have expressed concerns that OAH, if it is following its mission to save money, is therefore cutting corners and ruling in favor of school districts in order to save money, because if OAH judges and mediators actually found in parents' favor, that would require the financial expenditures for special education services, and that would cost the state money.

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So, we already have an institutional bias, and recently it's come to my attention that OAH has, in government documents actually, just recently admitted that OAH is not a neutral agency, and this is very concerning.

OAH, according to the interagency agreement, this year for the first time, said that it needed to hire a facilitator for this meeting, which I think is very concerning. And the issue is OAH's justification on government documents, to hire a facilitator to run this meeting, is that OAH is not neutral.

So, OAH has now put it in writing that OAH is not neutral enough to even facilitate this advisory committee meeting, which, obviously, points to grave concerns about OAH's ability to be neutral as mediators and due process hearing officers.

In requesting the facilitator for this meeting, OAH put in government documents that the need for the facilitator was because the – it required a level of neutrality and experience that exceeds the scope of standard civil service classification.

The services contracted are not available within civil service and cannot be performed satisfactorily by existing civil service employees without compromising the quality and integrity of the facilitation process.

I think that that is very concerning, that OAH has said that it is not neutral enough to even facilitate this meeting, and yet, OAH provides supposedly neutral mediators and hearing officers. So, the concern with follow the interagency agreement with the CDE is kind of multi-faceted here.

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Number one, OAH is not getting CDE approval for its policies and procedures, which is a core component of the interagency agreement. And another very core component is, of course, following the federal law that – under IDEA to make sure that OAH is a neutral entity.

So, the reason I have requested that there is a recommendation that OAH follow the interagency agreement is because of those two very, very major concerns that address and affect every single parent in this state. If we do not have a neutral agency, then parents have no hope of getting children the services that they need, and I think that's really, really concerning.

So, that is the background, and that is why I added that recommendation. So, if anybody has any questions, I'm happy to answer it or clarify.

DIVISION CHIEF CASTILLO:

Okay. Any comments or questions from members of the committee?

Mr. Padron?

MR. PADRON:

Yeah. Ms. Kamm, the facilitator that was requested, has that been approved, or is that still in the process?

DIVISION CHIEF CASTILLO:

I'll answer that. It's still in the process. We're going out soliciting bids for that.

MR. PADRON:

So, it's in the bidding process? And is there a timeline what that facilitator would be hired?

DIVISION CHIEF CASTILLO:

For the bid process, it has a time for the bids to be submitted, and then reviewed by the Office of Administrative Hearings. The interagency agreement we have with CDE goes final approval to CDE over the selection of the facilitator.

I can't give you – I can't give you a time frame when a selection will be made, but in process of getting the bid published.

MR. PADRON:

And is there any way that we could know the parameters of that facilitator when it – when it comes to this meeting, these type of meetings?

DIVISION CHIEF CASTILLO:

I'm unsure about what you mean, Mr. Padron.

MR. PADRON:

Parameters, I'm meaning, will they facilitate being a neutral party? And then, if there's any issues like we've had the last meeting, that there was a lot of discrepancies as to what the members were saying and how you were responding as well to that.

So, will they have some type of parameters and keep everything flowing in a manner that is fair to all parties?

DIVISION CHIEF CASTILLO:

The contract with the California Department of Education requires that the facilitator meet with members of the committee. It would be another public meeting in which the ground rules would be set up.

MR. PADRON:

Thank you for that.

MS. KAMM:

I actually have more information. Oh, sorry.

DIVISION CHIEF CASTILLO:

Okay, I'm just making sure. Mr. Palmer? Oh, you're on mute, Mr. Palmer.

MR. PALMER:

Thank you. I just wanted to commend Mr. Kamm for her research in laying this out for us. I do know in my experience, you know, I've been involved in the special education system for, you know, over 20 years, and prior to OAH handling it, decisions for due process were roughly 50/50, parents and districts.

But since OAH took over, that drastically changed in the favor of districts. The last I checked it was about 90 percent of decisions were in favor of the district. So, I do see that, as has been admitted, that it's not impartial, and OAH is, you know, not neutral.

And so, I would like us to return to a place where there is a little more fair-sighted decision-making in these issues. I'm even – I am concerned about the facilitator role, too, because it seems like it's mainly meant to quell feedback of the members of this committee and not to really facilitate a healthy discussion and dialogue that – where there's difference of opinion allowed. Thank you.

DIVISION CHIEF CASTILLO:

I want to address one thing, Mr. Palmer. On the general jurisdiction side for Department of Developmental Services cases or regional center cases, the – that's

General Jurisdiction Division handles – there is a – an equivalent advisory committee for that, and there is a facilitator who runs those meetings, pursuant to the contract with the Department of Developmental Services, and that is a model that we are looking for here.

Mr. Veniez?

MS. VENIEZ:

Thank you. Yes, I have a quick question for Member Kamm or Judge Castillo, if you have the answer as well. Member Kamm, you mentioned that the OAH has to have any of its policies, procedures, materials, approved by CDE before implementation.

Can you clarify where that is? I'm actually looking at the interagency contract now, the accessible document on – at the bottom of page 5, under section five, tasks, and I'm just reading from that, that it says that anything has to be reviewed by CDE prior to implementation, but I don't see approval, so I would appreciate clarification on that. Thank you.

DIVISION CHIEF CASTILLO:

You're mute, Ms. Kamm.

MS. KAMM:

Okay. Can you hear me?

DIVISION CHIEF CASTILLO:

Yes, we can hear you.

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MS. KAMM:

Okay. Yes, it says that it needs to be reviewed and the – according to the public records, there has been no such review. So, if there is no review, then obviously, there is no approval either, so – and you need to remember that – I mean, everything has to be submitted. This is page 5 of the interagency agreement.

And you need to remember that OAH is a vendor of CDE, so as with any vendor, they cannot just do what they want. And this specifically lays out that they have 20 days to give it to the CDE as subsequent – you know, then the – then the CDE will review all of those things.

It says, unless specifically exempted, which I haven't seen any exemptions in here, and then it says, if the CDE determines that these revisions – that subsequent revisions to definitions, policies, procedures, and materials are inconsistent with agency's requirements under this, and it's implementing regulations, it will notify the agency of any inconsistencies.

So, pretty much, that needs its – needs to be approved. So, it may not use that word, but pretty much this spells out a time limit for approval. And I do want to address Mr. Padron and Mr. Palmer's issues.

The way that you would know the parameters is with the facilitator agreement, and the – through public records, I have obtained that. And one of the things that it says, which definitely gets to Mr. Palmer's concerns, it says, "upon hiring, the facilitator shall work with the Advisory Committee members and assist the agency to establish written rules of conduct to make Advisory Committee meetings professional, respectful, collaborative, efficient, and effective, and shall remind Advisory Committee members of these rules at the beginning of each meeting."

Now, also, according to public records, OAH has already determined who they want to hire as the facilitator, and they did want to have secret meetings with the facilitator without the Advisory Committee. The timeline actually was supposed to start with this meeting, and the facilitator was supposed to be hired and paid to monitor this meeting. And it's my understanding, without any introduction and without any of us knowing that we would be monitored by this facilitator.

And the agreement then says that the facilitator would use this information, meet with OAH prior to and after this meeting to determine what type of facilitator they want and what types of actions they want this facilitator to take, which would take effect at the next June meeting.

Now, I'd also like to address Mr. Castillo's contention that this is the same thing as the Department of Developmental Services, which is under the general services, OAH, general jurisdiction of OAH. The general jurisdiction of OAH is not under the auspices of the IDEA.

The IDEA is only for special education, and the IDEA is what requires a neutral body for special education cases. So, while other agencies might hire facilitators of that kind of thing, that's totally fine, but it still gets back to the issue. If OAH is not neutral enough, per the IDEA, to even handle facilitating this meeting, that's a problem.

And the language of this agreement is also a problem, because it goes to Mr. Palmer's point that really, this looks like the intention is really to squelch our First Amendment rights here, because OAH does not like the criticism that it is obtaining here.

That is my reading of these public records, and I'm happy to provide these public records to anyone, because it's in OAH's own words, and it's in the government documents that they used in order to justify hiring a facilitator.

In order to justify this position, they had to admit that there is no one at OAH who is neutral enough to even facilitate this meeting. So, I do think there are a lot of concerns here. I don't know why the timeline hasn't transpired as it – as it was laid out in the public records that I have, because as I said, there was supposed to be a facilitator monitoring us right now, and I don't know if that's happening or not.

DIVISION CHIEF CASTILLO:

I can tell you we have not selected a facilitator. Member Palmer?

MR. PALMER:

Can you tell us if we're currently being monitored?

DIVISION CHIEF CASTILLO:

We haven't selected one. I haven't spoken to anybody who has expressed interest in being a facilitator. So, there will be an application, a bid process. If anybody who – submitting – wants to submit a bid, you know, if they want to observe as an any other member of the public, that is up to them, but I have been in – I have not been in contact with anybody who is -- who would be interested in being a facilitator in these meetings.

Member Padron?

MR. PADRON:

Yes. And you indicated that the model that you're looking for is Department of General Services model that monitors or facilitates these type of meetings, but with the regional centers.

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And I'm kind of interested in knowing if that model – the – that – the Department of General Services, under – that monitors or provides services to the regional centers, they allow advocates to speak for the clients during hearings, and that's not being allowed here anymore, and that was because of the attorney general at the time decided to change, and based on administrative law, that advocates could no longer speak for parents because they were akin to being a lawyer and not having that type of degree.

So, my question is, if you're trying to replicate or have something similar, then there needs to be a discussion if advocates could be allowed to speak for parents again so that we could have a generalized model throughout.

DIVISION CHIEF CASTILLO:

As OAH indicated in their response, when this came up as a topic before, that something that members of the public would need to discuss with the state legislature in changing the law, or the California Department of Education in promulgating a regulation to permit advocates to represent parents and students in mediations and hearings.

MR. PADRON:

Yeah, thank you for that response. And I would encourage any parents or anyone interested in that to contact the members to see if we could work together and make – possibly make that happen, because that just shows that parents are not equipped to be able to navigate special education hearings on their own, and that's why I – again, I've

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got to thank Member Kamm, is that pushing for all these type of things that are needed in the website, because parents try to navigate it, and including the one that's coming up about allowing in-person hearings.

And most of these are generally selected for parents and/or non-attorney advocates. So, thank you, Judge Castillo.

DIVISION CHIEF CASTILLO:

Member Kamm?

MS. KAMM:

You mentioned a bidding process, but I do want to mention that in the public records I received, there was nothing about a bidding process. In fact, it – in the e-mail communications, it literally said that there was one specific facilitator that OAH liked, and so OAH was attempting to contact that one particular facilitator, again showing that this facilitator may not be neutral if they were going – if the facilitator was going to be hand-picked, have secret meetings before and after monitoring us in the Advisory Committee meeting here.

So, there are really grave concerns. I really don't even understand how you could get to this point, and I think that it really goes to the fact that it's very clear at these meetings that even our voices are squelched.

You're never – you have never told us what the behind the scenes processes are. We ask over and over again. It takes months and months just to even get a response. Most of the recommendations are denied.

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It just goes to the fact that obviously you are trying to squelch any information and improvements that -- we are all here volunteering our time. We're not getting paid. We're here because we're trying to improve the system.

And to read that OAH, as a vendor, is trying to undermine it, undercut our voices and the voices of parents, as you did with the parent handbook, it's just proof over and over and over again that you are not neutral. You are trying to squelch our voices constantly.

And I would just, for one, just like OAH to be honest about it, which actually, I found refreshing in finding these public records where OAH did admit it was not neutral. So, I really feel like you need to take a stance here, and you have it in writing that you are not neutral, so I think we need to work from that basis. Thank you.

DIVISION CHIEF CASTILLO:

Any other questions or comments from committee members? We have one member of the public, Username, if you can please invite Username into the meeting.

LAURIE CROM:

Attendee Username, you – I will now – will now allow you to unmute yourself. You have three minutes to provide your comment. Please proceed.

USERNAME:

Good morning. Thank you so much for having me, allowing me to talk. Listening to the discussion of the Board, it's really concerning as a parent. I'm wondering, before OAH, who managed these type of meetings?

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If OAH is not able to do what possibly the job description – their job description is. And are we having to pay the money back we're going to be paying for a facilitator? Is that money that could go to the students instead?

This is extremely disappointing, extremely concerning. How can we make this more transparent? How can we make this more equitable? It just – again, I commend Member Kamm, commend Member Padron, commend member Palmer for bringing these up and asking questions that support everyone.

I hope – I don't know if anybody can answer those questions, but thank you for your time.

DIVISION CHIEF CASTILLO:

Thank you. Jane. Can you please invite Jane Taylor?

LAURIE CROM:

Jane Taylor, I'm going to allow you to unmute yourself. You have three minutes. Please proceed.

MS. TAYLOR:

Can you hear me?

DIVISION CHIEF CASTILLO:

We can hear you.

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MS. TAYLOR:

(Inaudible) this information, you might need it, and thank me later.
25STCP007257028837414. I'm giving you because Mr. Castillo might cut me off before I finish.

Mr. Castillo, I'm a parent, and my child was abused by AVSD. I've actually come out of court yesterday when my case was dismissed because I can't get an attorney because most of the attorney advised towards AOH.

I agree with Kim, Mrs. Debra. I've been reading all the committee transcript. You guys helped me so much for my case. You can all go, and you can e-mail me. It's florence.chipoldaminga, which is C-H-I-P-O-L-D-A-M-I-N-G-A, dot, 708, at Gmail.

And I'll send you all the court records. My case was dismissed yesterday because I could not get an attorney, but the tentative decision will show you that I went to win the case, because most of the (inaudible) were dismissed.

And because the AOH knew yesterday was the decision-making, they actually sent Cindy Rodriguez, as in reporter, to try and write an article that they're going to try and smear the case, or make me – make me look like I didn't know what I was doing.

So, when you see reports from Cindy Rodriguez, this – that – look at the court documents. (Inaudible) AOH missed the same statutory deadlines. One of them was the reservation meeting. My complaint was filed on January 8. They sent me the schedule order on January 24.

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They sent the – a joint letter for the – this reservation and response to letter on the 4th of February, but the dismissal was due to failure to attain reservation when they missed the deadline for (inaudible).

AOH have not posted my hearing on the website, because they don't want anybody to see – to find out what happened. AOH is not neutral at all. They manipulated all the deadlines, like for the prehearing conference, seven days before the hearing, and the order for the prehearing was sent to me on the 20th of February.

My hearing was on the 24th of February. That's two calendar days before the hearing. And then they claimed that I didn't upload the evidence on time. The AVS (inaudible) the deadline for motions, for filing, motions to – set February, this 2nd of February. No, February, the 7th. By today, they – but the meeting was on the 14th of –

LAURIE CROM:

I'm sorry, your three minutes have passed. You have been muted.

DIVISION CHIEF CASTILLO:

Okay. Are there any e-mail comments?

LAURIE CROM:

There are none on this item.

DIVISION CHIEF CASTILLO:

Thank you. Ms. Kamm, or any members of the committee, would you like to make a recommendation for OAH to consider?

MS. KAMM:

I can, I guess, restate or make my recommendation a little bit more specific, that OAH follow the interagency agreement regarding CDE approval of all procedures and policies, and also that OAH remain neutral, pursuant to the interagency agreement.

If anybody has (inaudible) to work on the wordsmithing, that would be appreciated.

JUDGE YAZIGI:

This is Claire Yazigi, the note-taker, and I have been keeping up with the conversation. So, what I have, as I've been hearing the discussion, is the recommendation that OAH follow the interagency agreement with CDE, specifically regarding the approval of policies and procedures, and ensure that OAH is a neutral entity. Have I captured the idea?

MS. KAMM:

Yes. And if any of the committee members have any other ideas on adding to or editing, let me know.

DIVISION CHIEF CASTILLO:

Any questions or comments from the other committee members on the proposed recommendation? Member Padron?

MR. PADRON:

Yeah, the way it was framed by the Administrative Law Judge Yazigi, it seemed like there was two parts to it, and I just want to make sure that we're capturing correctly what Ms. Kamm is addressing.

So, if you can clarify that, because it seems like the last part, that OAH be neutral, I don't know, is there – is the interagency agreement, does that specify that OAH be neutral, or how can that be framed?

DIVISION CHIEF CASTILLO:

We can –for this, we can have proposed recommendations 4A and 4B, Member Kamm, if you'd like to split those into two.

MS. KAMM:

Yes, that would be fine. And so, what we could do is, 4A would be the recommendation that OAH follow the interagency agreement by obtaining CDE approval. This is pursuant to task one of the interagency agreement.

And then we could have 4B, which is the recommendation, which seems a little silly because it's the recommendation that OAH follow federal law, but at this point, I guess it's needed here. So, it is the recommendation that OAH follow the provisions in the interagency agreement, pursuant to the IDEA requiring neutrality.

DIVISION CHIEF CASTILLO:

Judge Yazigi?

JUDGE YAZIGI:

One moment, please.

DIVISION CHIEF CASTILLO:

Okay.

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JUDGE YAZIGI:

Okay, so I have 4A, recommendation that OAH follow the interagency agreement with CDE, specifically by obtaining CDE approval of policies and procedures for task one of the interagency agreement.

For B, I have that OAH follow the interagency agreement with CDE and the IDEA by ensuring that OAH is a neutral entity. Have I captured everything?

DIVISION CHIEF CASTILLO:

Member Kamm?

MS. KAMM:

I believe so –

DIVISION CHIEF CASTILLO:

Okay.

MS. KAMM:

– unless anybody has any other edit.

DIVISION CHIEF CASTILLO:

For recommendation 4A, do we have a second?

MR. PADRON:

Member Padron seconds.

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DIVISION CHIEF CASTILLO:

Thank you. For recommendation 4B, do we have a second? Member Palmer.
You have to unmute yourself, Member Palmer.

MR. PALMER:

Yes, I second.

DIVISION CHIEF CASTILLO:

Thank you. Are there any further comments or questions from members of the committee about recommendations 4A and 4B? Are there any public comments about -- from the public and the attendees from -- about recommendations 4A and 4B?

LAURIE CROM:

There are no pending comments at this time.

DIVISION CHIEF CASTILLO:

Do we have any e-mails?

LAURIE CROM:

We have no e-mails on this item.

DIVISION CHIEF CASTILLO:

We will take a vote. I will go 4A. Judge Yazigi, could you please read 4A, please?

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JUDGE YAZIGI:

That OAH follow the interagency agreement with the CDE, specifically by obtaining CDE approval of policies and procedures for task one of the interagency agreement.

DIVISION CHIEF CASTILLO:

Okay. We're voting, first starting with Northern California. Member Padron, on 4A.

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 Adams?

MS. ADAMS:

Yes.

DIVISION CHIEF CASTILLO:

That is five yesses in Northern California. For Southern California, Member Palmer.

MR. PALMER:

Yes.

DIVISION CHIEF CASTILLO:

Member Kamm?

MS. KAMM:

Yes.

DIVISION CHIEF CASTILLO:

Member Mendez?

MS. MENDEZ:

Yes.

DIVISION CHIEF CASTILLO:

Member Veniez.

MS. VENIEZ:

Yes.

DIVISION CHIEF CASTILLO:

Member Snowden.

MS. SNOWDEN:

Yes.

DIVISION CHIEF CASTILLO:

That is five yes votes in Southern California. It has passed both committees. OAH will respond to recommendation 4A.

Judge Yazigi, can you please read recommendation 4B?

JUDGE YAZIGI:

Certainly. That OAH follow the interagency agreement with the CDE and the IDEA by ensuring that OAH is a neutral entity.

DIVISION CHIEF CASTILLO:

Okay. Member 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:

I did not hear you, Member Shaw.

MR. SHAW:

Yes. Apologize.

DIVISION CHIEF CASTILLO:

Okay. Member Molina.

MR. MOLINA:

Yes.

DIVISION CHIEF CASTILLO:

Member Adams.

MS. ADAMS:

Yes.

DIVISION CHIEF CASTILLO:

That is five yes votes in Northern California. For Southern California, Member Palmer.

MR. PALMER:

Yes.

DIVISION CHIEF CASTILLO:

Member Kamm.

MS. KAMM:

Yes.

DIVISION CHIEF CASTILLO:

Member Mendez.

MS. MENDEZ:

Yes.

DIVISION CHIEF CASTILLO:

Member Veniez.

MS. VENIEZ:

Yes.

DIVISION CHIEF CASTILLO:

Member Snowden.

MS. SNOWDEN:

Yes.

DIVISION CHIEF CASTILLO:

That is five yes votes in Southern California. It has passed both committees, 4B, and OAH will respond to that.

JUDGE YAZIGI:

Before moving on, I wanted to confirm that Ms. Adams, your vote was yes. Is that correct?

MS. ADAMS:

Yes.

JUDGE YAZIGI:

Thank you.

DIVISION CHIEF CASTILLO:

Okay. With that, we're going to be taking a break for the interpreters, and when we come back, we will go to the next agenda item, five. So, we will be back at 10:45 a.m.

(Off the record.)

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DIVISION CHIEF CASTILLO:

Recording has resumed. Members have returned. Member Kamm will now go to agenda item five, which is allow in-person hearings without justification needed.

Member Kamm –

MS. KAMM:

Yes, thank you.

DIVISION CHIEF CASTILLO:

– your agenda item.

MS. KAMM:

Yes, thank you. This, I think, is another kind of alarming issue here, because there is no provision in the IDEA which allows OAH to determine whether or not parents have the right to an in-person hearing, and in looking at the Special Education Handbook – and again, I want to kind of clarify for parents and anybody who are – who's just joining.

OAH is a vendor who is hired by the CDE to provide neutral mediators and due process hearing officers, and as part of that responsibility, OAH is responsible for creating a handbook, especially for parents who cannot afford attorneys, because as we know, this – the special education process is – you know, it's quite a process, and most parents have trouble navigating the system.

So, OAH is also tasked – along with being neutral, it is tasked with helping parents understand the process and doing so in the Parent Handbook, the Parent Handbook that OAH provides. In looking at the handbook, I noticed that it specifies that parties do not have the option to opt out of proceeding to hearing by video conference.

So, that is greatly concerning to me. I don't know what legal basis OAH, as a vendor, is using to restrict the rights of parents to hold an in-person hearing. Many parents, for a variety of reasons, want to hold their hearing in-person.

For one, sometimes just the communication is much better, and seeing people in-person and not dealing with technical issues. They may also want the support of other parents and advocates and community members to attend in-person.

So, I am very concerned, again, that OAH has exceeded its authority, and that it is making decisions again without CDE approval, and again, what I believe is in violation of the law. I'm not an attorney. Maybe the attorneys on the panel can chime in with that.

So, the recommendation is that OAH does allow parents to request an in-person hearing, and without them having to explain or justify in any manner whatsoever to OAH, because it's my understanding that that is their right, pursuant to the law, without having to give any explanation to OAH, the vendor.

So, that is the recommendation, so if anybody needs clarification, please ask me any questions.

DIVISION CHIEF CASTILLO:

Are there any from the committee members, comments on this agenda item five?
Member Shaw?

MR. SHAW:

Sure. So, I think I've addressed kind of my thoughts on this issue, is I understand the proposal is to allow in-person hearings without any justification needed whatsoever.

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As a person who represents parents in due process hearings, I am a big fan of the virtual hearing format. And there's three primary reasons for that. The first one is judge retention. Since we've gone to a virtual format, we have not lost many administrative law judges, other than to retirement, and that's a big issue.

Prior to going to a virtual format, there was routine turnover of ALJs in the Special Education Division. And that really impacts the cases. This is not a simple area of the law. When I've appeared in circuit courts, judges have often described this as one of the most complicated areas of the law that they have encountered.

Take structured literacy, for example, a systematic and cumulative approach to teaching kids to read using an explicit -- using explicit instruction and diagnostic teaching. Within that, there are several components. Phonology, sound symbol association, syllable instruction, morphology, syntax, semantics.

These are all very complicated things that an ALJ is not going to learn through the 40 hours, I believe, that OAH provides judges prior to -- or going through the process of becoming an administrative law judge.

The travel of doing in-person hearings was the number one complaint I got from administrative law judges, and I can imagine being on the road from week to week, because I used to do that as a practitioner, is very demanding. You're away from your family.

The state doesn't even reimburse ALJs at a rate for hotels where they can get, you know, a half decent place to stay. So, that's the first reason. The second reason, access to justice.

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I hear often from families, not just through this advisory committee, but through my personal practice, about not being able to retain attorneys, attorneys who are demanding, on the parents' side, large retainers, monthly payments, et cetera, that they can't afford.

By having virtual hearings, it allows attorneys who do not practice in that manner. It increases access to justice, particularly to very rural communities where there are no attorneys who do this stuff, because if I had to travel, let's say, up to Humboldt, which is about 12 hours of travel just to get up there, that's going to very much impact my decision in whether or not I want to take a case or help that family.

And so, I believe virtual hearings have expanded access to justice to many parents, and increases the ability of parents to access attorneys who are not demanding large retainers or monthly payments.

And the third reason is just, you know, it incurs additional cost and expenses on the system. When we travel, on both sides, including for the OAH, there are substantial costs and expenses that come with that, and those costs can exponentially increase the total demand on the system when it comes to the costs of conducting a due process hearing.

I think those are the three primary reasons why I am opposed to the way it's worded right now, which is all in-person hearings – allow in-person hearings, apologize, without any justification needed.

I do believe that OAH does have a process when there is good cause, and I know there has been debate about what is good cause or what constitutes good cause to conduct an in-person hearing, but I think allowing it to happen just because somebody

wants it to happen – for example, if a family doesn't want it to happen, and a school district does, and that automatically makes it happen, especially not knowing that prior to taking a case, that creates a lot of different issues in my mind.

I've conducted, I don't know, at least a dozen virtual hearings, probably more, since we've been in the virtual format. I think, for the most part, they're pretty smooth. Every once in a while, we have technical issues.

I know some attorneys elect to open their hearings up to the public. We do not. But in any event, you know, I think some of the concerns are addressed through – or have been addressed through the virtual environment.

And if you could tell, it's something I feel very strongly about, because the first point, which is ALJ retention, I think is so critical in this system, period. That's all I have to say about that.

DIVISION CHIEF CASTILLO:

Before I call on Mr. Padron, I just wanted to say there have been discussion in a prior advisory committee meeting about our hearings being open to the public via video conference. They are.

We have clarified our policies and procedures that if a parent requests that a video conference be open to the public, that they are, that either party may share the video conference link to whoever they want to view the proceedings, and people can attend those Zoom proceedings and view them if a parent elects for the hearing to be open.

Member Padron?

MR. PADRON:

Yes. Mr. Shaw, I recognize and understand your position. Now, I wanted to ask – well, address Member Kamm's question here, is – under the procedural safeguards that are provided to parents at every meeting, sometimes they read them to parents, sometimes parents don't want it read to them.

But overall, it indicates that parents have a right to a hearing. I think that where we began doing virtual is after COVID or during COVID, and then after COVID, it became much easier, and then Mr. Shaw described how easier it is for him and attorneys alike.

But I think that there could be some type of a form where parents can request in-person and have the hearing in-person. All the hearings that I've been related to and worked with were in-person before COVID. And I don't recall them – you know, Mr. Shaw probably keeps up more with the stats on retention of administrative law judges, and I don't, but I still see the list of all the ones that have been presiding at the hearings that were – that were in-person.

So, I think that there should be allowed for parents to – and Ms. Kamm, quite frankly, put it that it's just more personal. I've had meetings, virtual, and like Mr. Shaw, I follow along very well. There are some glitches.

Parents don't follow along well. I have to kind of explain to them what's going on, what's going to happen. So, from the perspective of an attorney, I see how virtual could be justifiable, but for a perspective of parent, I see all the issues that the parents go through by not having a judge in-person and not having the witnesses that they ask questions to respond in front of you.

So, it's kind of – it takes away the personalization portion of a hearing. And again, I don't know how OAH was able to say that all hearings from here on are going to be virtual when all the hearings before were in-person.

So, that's my point of view, is that there should be a mechanism where parents and/or myself, as an advocate, to request an in-hearing – in-person hearing. I would appreciate that option. Thank you.

DIVISION CHIEF CASTILLO:

Member Palmer.

MR. PALMER:

Yes. I mean, as I understand the item that's before us, it really comes down to who's making the decision of whether there's an in-person meeting or not. I don't think it's before us of whether we're making it all virtual, which Member Shaw's, you know, comments sound like he would like it always to be virtual.

But, I mean, to me, what's before us is the question of, if they're asking for in-person, do they have to give a justification, which then OAH makes that decision about? And again, we're not hearing that OAH is neutral in making their decisions.

So, no, that's what I think. If we are allowing in-person meetings, it should be at the request of the parent. And as far as the issues that were brought up by Member Shaw, I respect them, I understand them, but those are – mainly go to cost, and if the parent so chooses to retain an attorney who's going to cost more to have the in-person, then that's the decision that they should have a right to make.

And so, I think, you know, again, just coming back to what I understand is before us is, in giving a justification, the decision is being handed over to OAH as to whether it's in-person or not.

DIVISION CHIEF CASTILLO:

Member Veniez.

MS. VENIEZ:

Thank you. Yes. I agree generally with Member Palmer, and I believe that this item is to request that a recommendation be made or discussion item around the recommendation of actually allowing parents to request an in-person meeting without requiring a justification.

I think I'm generally in favor of that. I would like that to be something that the ALJ or the OAH has but say over, however. I think that parents should be able to request in-person hearings, if that's their – if that's their preference, but I will also say that I personally agree with Member Shaw, having represented parents pro bono and now representing school districts.

And I'll provide a perspective from San Bernardino County where I am –I'm driving out to Needles or, I mean, just really very rural, very isolate communities where parents do not have the preference or the opportunity to do that.

And so, I think having the option open up for those parents, maybe in more urban areas like LA, might be more open to doing that, but I think having that be specifically within the purview of the parents when we are balancing OAH retention, cost savings, would probably be something that's beneficial.

I don't know that just having the parent request it and having that be required to be in-person would be beneficial, but I do believe that having the request able to be made without a specific justification would be beneficial and having that be perhaps within just up to the discretion of the ALJ or the OAH. Thank you.

DIVISION CHIEF CASTILLO:

Member Kamm.

MS. KAMM:

Yes, thank you. I think this is an interesting discussion, because this has actually taken a different turn than really what my recommendation was. But I'm very concerned about this discussion.

The IDEA affords parents certain rights. Parents and their children. The IDEA does not give private attorneys the rights to make decisions on their clients. Now, Mr. Shaw, if you don't – if you personally don't want to do in-person hearings, then all you have to do is make that clear with any clients that you take in, and then clients may choose not to choose you as an attorney. That is their choice.

But I am not aware of any law that prohibits parents from having in-person hearings, and as has been said, that was the norm prior to COVID. So, the IDEA also prohibits decisions being made based solely on cost, and that's what I'm hearing.

Parents do not lose their rights because ALJ judges don't want to go to in-person hearings, they don't want to travel, or because some attorneys don't want to take clients who want in-person hearings.

I think that somehow we've really gotten off track here. The IDEA provides rights to parents. This is not about how much it costs OAH. This is not about how much it costs attorneys. The rights are afforded to parents to obtain special education services for their children in a neutral environment.

Now, many of you attorneys are probably pretty well-versed now after COVID with managing the technology needed to present evidence and do all this stuff online. The vast majority of parents are not, and it helps them to be in-person.

And I think where this has also gotten off track, I have not – the recommendation doesn't say whether or not all parents should have this option, because I believe that parents already do legally have that option.

The recommendation was only if parents request that, which let me read again what OAH says now, though. Parents do not have the option to opt out of proceeding to hearing by video conference. As I said, I'm not an attorney, so I would like to know the legal citation that gives OAH the authority to deny parents the right to an in-person hearing if they want one.

Now, previously, we've had discussions that OAH said, oh, well, we do actually allow in-person hearings, but the parent has to justify. Well, we have seen over and over and over again how OAH has secret criteria, meeting in backrooms, you won't even give us the criteria for how you make – how you determine responses to our recommendations, and yet, you expect parents to just leave it in your hands.

You are a vendor. I'm really astounded at some of the comments here that give OAH, as a vendor, more power than is in the law, and which overrides the laws that do protect parents and students. So, I'm very concerned about this conversation and where it's gone.

So, I would really like clarification on what is the law that gives OAH the authority to not allow in-person hearings if parents request it, or if parents do request it, what is the law that says that OAH has the authority to determine whether that justification is justified or not?

DIVISION CHIEF CASTILLO:

Member Mendez.

MS. MENDEZ:

Yes. So, I just want to add my opinion, because I feel like I have a unique perspective on this. I'm not only an individual who had an IEP throughout my school career; I also have a daughter who is in early start services, and then I'm also an attorney that represents students and families at Disability Rights California.

So, I feel like I have all of the different perspectives that can kind of help understand and approach this issue, and I wanted to add that I have heard of ALJs ordering school districts to provide a place for parents to access technology during hearings.

So, yes, sometimes, you know, we are representing families who do not have access to the appropriate technology, or they don't feel comfortable accessing it. And so, then we work with OAH and the school district to set up somewhere within the school district where the parent can feel comfortable accessing the technology, making sure that they have appropriate capabilities to do that, and I've found that to be helpful.

I've also found that parents are better able to access virtual hearing because of the issues with being further away or whatever it is. And as far as, I think, Mr. Shaw's point on ALJs, I don't know if it was necessarily the cost as much as ALJs have more experience understanding this area of law if they stay around longer.

They're going to continue to get more and more training, but also they're going to have more cases and really start to understand the intricacies. And that's also for a parent's benefit. And so, but I do agree that, you know, we should be able to request that a parent have access to in-person hearings, but that's – it's not just completely given; it's something that is decided with the ALJ and the two parties.

DIVISION CHIEF CASTILLO:

Member Kamm.

MS. KAMM:

I think that part of the -- maybe the miscommunication or misunderstanding here, when we're talking about the ALJ retention rate, and over time, that affects their – the – OAH's ability to understand the issues, that is a completely separate issue than a parent's individual right.

What you seem to be saying is that for the long-term good of every parent out there, that I need to forego my right to an in-person hearing. So, we're conflating several different things here. I am talking about parents' individual rights as it is enumerated in the IDEA.

I've heard a lot of reasons why certain people think that in-person due process hearings are bad. That is fine. You are allowed your opinion as to why due process hearings are bad, or how they have a negative effect. But I don't know that there's any law that precludes parents from asking for a due process hearing, number one. And as I said, I would like to know any laws, if there are.

But I am not – I am not stating that every – the recommendation is not that every single parent has to have an in-person hearing. That was not the recommendation. There are benefits, obviously, to some parents to having it a video hearing, obviously.

The recommendation only says, allow in-person hearings without justification if needed, and maybe I needed to clarify for parents who are requesting an in-person hearing. So, this is not a conversation about whether all parents should have access to in-person hearings or not, because as far as I understand, that's already the law that they do have access. They do have that ability to do so.

What I am objecting to and what this recommendation is, is that OAH should not have secret criteria to determine whether a parent's request is upheld or not, because we've had the same problem with OAH at these meetings. We don't know how OAH makes its decisions, and that is creating an unfair and an obviously very biased environment for parents.

So, I think there's a lot of -- we're conflating a whole lot of things. Yes, there are pros and cons to video versus in-person. The bottom line, the IDEA gives the rights to parents. Not to attorneys, not to OAH, not based on cost, not based on anything else. Parents are the ones who have rights under federal law.

DIVISION CHIEF CASTILLO:

Member Shaw.

MR. SHAW:

Sure. So, the IDEA provides rights not just to parents, but also to school districts with respect to requesting due process hearings, and as an attorney, it also provides rights to us to be able to represent those parents.

I want to be clear. I never said I don't take cases based on whether or not a hearing is in-person or not in-person, but it would certainly give me pause in the future with respect to serving very rural communities that can now access our services and can't get attorneys, if we don't know whether or not a case will be in-person or virtual.

With respect to the law, I would point you to California Code of Regulation, Title 5, Section 3082(g), which specifies, under the due process rights, special education due process rights, the hearing officer may conduct all or part of the hearing by telephone, television, or other electronic means.

And then, embedded in that same section is a reference to the APA and another code section, which does explain that if you – that you have a right to object to a virtual hearing, essentially, and that the presiding judge will take that objection under consideration and make a determination based off of what the basis of that objection is.

So, you know, that is built into the law already, and that's what the law says. I don't know anything in the IDEA that specifies or specifically says that all hearings should be conducted in-person.

DIVISION CHIEF CASTILLO:

Member Palmer.

MR. PALMER:

Yeah. So, looking at the IDEA, 300.511, it says that the hearings are typically conducted in-person, unless mutually agreed upon by the parties. And so, that seems to imply that the default is still – remains in-person hearings.

So, again, I think the request here is that if a request for in-person is being made, does it need to accompany with a justification that then puts the decision in the hands of OAH?

I think, you know, I would prefer that the parent just have that right to ask for it to be an in-person and understand with working with their attorney what the ramifications of that are.

DIVISION CHIEF CASTILLO:

Member Kamm?

MS. KAMM:

I would like to clarify. I believe, Mr. Shaw, that the law that you're quoting is state law, and it's my understanding that federal law – so, the IDEA, which is the Individuals with Disabilities Education Act, is federal law, and that does override any state law.

So, when you're, you know, quoting that, I just think parents need to understand what their rights under the IDEA versus state law. And as Mr. Palmer just noted, in-person hearings has – was always the default. You know, it is the default under the IDEA, and it always was prior to COVID.

So, I mean, Mr. Shaw, I think that you're talking about something else. If you would like to provide a separate recommendation, I guess at the next meeting, that all parents are deprived their rights – deprived of their rights under the IDEA to have in-person hearings, I think you're welcome to do that.

That's not what my recommendation is saying. My recommendation is not for whether all parents should or should not have the right. I think that it is clear in the federal law that parents do have the right to in-person hearings. The recommendation is just that they don't have to provide a justification in order to get OAH to agree to that.

So, OAH is operating under the IDEA, which is federal law, and to my understanding, the state law that you quoted does not override parents' rights under IDEA.

DIVISION CHIEF CASTILLO:

Okay. And I'll take public comments. Username. You can please invite Username in.

LAURIE CROM:

Attendee Username, I will now allow you to unmute yourself. You have three minutes starting now.

USERNAME:

Hello. Good morning. Thank you for taking my comment. This also is concerning. Please do not take our rights away, which it sounds like basically OAH already has taken our rights away.

We have the right to do in-personal. Me, personally, I probably would opt for virtual, but if I'm able to go in-person, I would. I don't understand why, if this is such a big issue, we had that right to go in in-person. Why take that away from the parents, from the kids who we are here for? We are here for the students. Please don't forget that. Thank you.

DIVISION CHIEF CASTILLO:

Could you please invite in Miho Murai.

LAURIE CROM:

Attendee Miho Murai, I will now allow you to unmute yourselves. You have three minutes to provide your comment. Please begin now.

EDUCATION NOT LITIGATION:

This is Education Not Litigation that got allowed to unmute.

DIVISION CHIEF CASTILLO:

Okay. Why don't – since you were – did have your hand up, your three minutes, you can speak, and your three minutes will start now.

LAURIE CROM:

That was weird.

EDUCATION NOT LITIGATION:

Okay, thank you so much. Thank you, Mr. Padron, Mr. Palmer, and Ms. Kamm, for advocating for the rights of the students and parents in the State of California. I think this discussion has illustrated some very troubling trends.

Number one, attorneys who are advocating for parents should not be on this committee advocating for the State of California. Whether or not DGS improves their cost model is irrelevant. So, I am very troubled with attorneys here that are supposed to be parent representatives, advocating for the State of California.

They need to quit their day job and then go apply to the State of California. And maybe that is the point, because there seems to be some political alignments going on here, and this is disgusting, that the attorneys that are supposed to be representing our interest are actually lobbying for the fifth largest economy in the world.

And I want to go back not only to IDEA. Let me remind you of the United States Constitution, due process clause, the 14th Amendment. This is about the rights of citizens, to protect them from the government. This is not about the rights of government.

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And back then, when the founders of this country wrote the constitution, guess what, there was no Zoom, okay? And this is a total deprivation. Nobody is saying get rid of Zoom and virtual hearings. It is an option for the parents. That is their right.

Judge retention, not our problem, okay? That's the State of California's problem. Whether the comfort of the judges – this is how corrupted this due process system has become. Before COVID, all the hearings were in-person, but OAH decided all by itself that it wanted to do virtual for OAH's convenience.

And I know many parent attorneys who believe that the denial of the opportunity for in-person hearing is a violation of due process rights. Like Ms. Kamm said, IDEA specifically states in-person. And Mr. Shaw, we don't know whether OAH follows 5CCR. We don't know what they follow.

So, to imply that, you know, these codes in the Administrative Procedure Act, they don't follow that. We don't know what the heck they're doing. So, this is extremely troubling. And you know, I mean, thank you for opening the meeting to the public, because I was denied that right.

When I did a meeting virtually –

DIVISION CHIEF CASTILLO:

Okay. Three minutes are up.

Laurie Crom:

Yes, thank you.

DIVISION CHIEF CASTILLO:

Okay. We'll try again with Miho Murai.

LAURIE CROM:

Miho Muri, I am going to allow you to unmute yourself. Your three minutes begin now.

MS. MURAI:

Good morning, everyone. My name is Miho Murai. I am a special education attorney, and also an educational therapist. I'm just commenting, and I'm also, you know, going through a regional center hearing, and I agree that -- I think that the parents should be allowed to request for a hearing, in-person hearing.

I do -- you know, me, personally, I need an in-person hearing. It's very difficult for me to do a virtual hearing, and I don't think the OAH should be able to make a decision. However, I don't think that it could be just by anybody asking.

I don't know the school district should be able to ask for an in-person, because that would be a way for them to make it more difficult for parents to be able to get attorneys, and it would be more difficult for the parents to be able to have hearings, if for them, virtual is what works for them.

But I do believe that, you know, at least with the regional center, when I was requesting an in-person hearing, I did not have to create -- I did not have to explain a reason; I just requested an in-person hearing, and I got it.

I will say, though, because of the request of an in-person hearing, that does make it -- I mean, we didn't -- supposedly, we didn't get a hearing date until December, which I told the judge that's not acceptable, so I was able to get it sooner. But I do think that needs to be considered by the ALJs.

Just because parents do request an in-person hearing should not hinder them to get a hearing date much later than virtual hearings. I think everybody, it should be based on when the complaints are heard, and it should not be delayed, you know, for three, four months for a in-person hearing.

But I do think it's really important that we don't let the OAH decide, but if a person – if a parent is requesting it, then they should be able to request it. And as an attorney, we can decide if we can take the case or not.

That's one of the first things that I do ask my clients. What kind of hearing do you want, an in-person or virtual? And obviously, for special – I haven't been practicing special ed for quite some time right now, but as I come back into it, I do think, you know, to me, it's just – yeah, it makes it very difficult.

I am a person with a disability, and it does hinder a lot of us, because we do need to be able to see people. It's much more easier. And also, for me, personally, as a attorney, I need to – I would like to see the witnesses first-hand, if they're looking at notes, if they're not, because that's not something that you can easily – you can do through virtual hearings.

So, I would request that the, you know, motion be changed, worded more specifically to just a parent's right, and that it's not the OAH that does get to make the decision, but it is – if a parent requests it, then the parent should get what they're requesting. Thank you.

And also, just one thing. It was hard for me to see the unmute thing, so I think you need to just give a little bit of a time for us to see it, because it didn't pop up to unmute, and so I was trying to talk, but there was no way for me to talk. So, just, you know, have some patience with the Zoom – the people that are public trying to speak.

DIVISION CHIEF CASTILLO:

Thank you. Des Alvarez. Will you please invite –

LAURIE CROM:

Des –

DIVISION CHIEF CASTILLO:

– them in?

LAURIE CROM:

– Des Alvarez, I'm going to allow you to unmute yourself. You have three minutes, beginning now.

MS. ALVAREZ:

I'm a mom of a student who has been out of school for over a year now. He's in a charter, but he doesn't get to go to site-based school because of a very bad evaluation that was done on him while he was medicated.

The information in the evaluation was very inaccurate, and it described him as aggressive, defiant, disobedient, thinks others are out to get him. He has perfect citizenship grades, and no discipline record, and even an award for being caring, and then that's one issue.

The second issue is the psychologist who did it, she copied from the final draft and pasted into a separate draft just for me and hid the final draft from me for almost two years. I tried to get the document removed, which is how I found out about the real document, and I went through an appeal hearing where I was told I could not have anyone with me.

They had an attorney with them, and they didn't even inform me that an attorney would be present. And at this time, I – all I really want is to get the document removed from his record so I can just get him back into a site-based school again.

And I really believe that they did all of this because they were – they – I never signed the IEP, and I believe that they billed Medi-Cal LEA BOP for services for two years that he never even received. And my district will not give me records. They gave me some records, but they don't give me all the records.

And the county, who is supposed to ensure compliance, also does not give me the records. And I would like to know how I can get some help getting my child back into school. And that's all I have to say.

DIVISION CHIEF CASTILLO:

Thank you. Do we have any e-mail comments?

LAURIE CROM:

We have no e-mail comments on this item.

DIVISION CHIEF CASTILLO:

Okay. Member Kamm, would you like to make a recommendation for agenda item number five?

MS. KAMM:

Yes. I think – I think, based on this conversation, I think that the recommendation as is needs to be modified. And I do want to reiterate to parents that perhaps this is one of the first questions you should ask if you're seeking an attorney, because

obviously, if it's important for you to have an in-person due process hearing, and you might want to make sure that the attorney you are speaking with will actually handle that and does not put costs before your rights.

As is, it says, allow in-person hearings without justification as-needed. So, let me reword that to state that parents who are exercising their rights to hold an in-person hearing to have the hearing in-person do not give OAH the right to override their rights by denying that right.

So, that was a little garbled. Let me try it again. OAH cannot deny – will not deny parents the rights to an in-person hearing if requested, period. Let's see if that's a little clearer.

DIVISION CHIEF CASTILLO:

Do you want to add in "if requested by parents"?

MS. KAMM:

Yes, I'm saying yes. If requested by parents, OAH will not deny their rights to an in-person hearing, pursuant to the IDEA.

DIVISION CHIEF CASTILLO:

Okay. Judge Yazigi?

JUDGE YAZIGI:

One moment, please. I have "OAH shall not deny parents an in-person hearing if requested by the parent, pursuant to the IDEA."

DIVISION CHIEF CASTILLO:

Does that capture it?

JUDGE YAZIGI:

Have I captured that correctly?

MS. KAMM:

Yes, I think so, unless any other committee member has some other wording.

DIVISION CHIEF CASTILLO:

Okay. Mr. Snowden.

MS. SNOWDEN:

Yes. I mean, we're talking about a right to an in-person hearing, and Member Kamm, I'm not sure where you're getting that, because the only – the only thing that's mentioned in the IDEA for hearings is that the hearings must be conducted at a time and place that's reasonably convenient to the parents and child involved.

So, I am not sure that there's a right to an in-person hearing, so I was just wondering if you had information that establishes the right to an in-person hearing.

MS. KAMM:

Shall I respond to that now, Mr. Castillo, or do you want to continue with comments?

DIVISION CHIEF CASTILLO:

I want to take the other comments from people who raised their hand, and we'll – I'll get back to you. Member Palmer.

MR. PALMER:

Just one technicality. What I heard Member Kamm say was "will," and what I heard the LL – ALJ say is shall, and I know that there's importance in those differences, so I just wanted to point out that difference.

But also, I'm just concerned that the current wording, Ms. Kamm, is dealing with rights, whereas I understood your original intention was – seems more procedural, that if they request an in-person, they currently have to give a justification.

And I mean, that's the thing that I really support, is that procedurally, if a parent requests an in-person hearing, that I would not want them to have to include a justification. So, I don't – I don't know. I just wanted to bring that up as this discussion has kind of gone sideways.

DIVISION CHIEF CASTILLO:

Okay. Member Shaw?

MR. SHAW:

Yeah, sure. So, the IDEA does confer obligations, rights, and responsibilities to the state, as well as the SEA, the State Educational Agency, with respect to how those hearings are conducted.

And what it specifically states in the Code of Federal Regulations is that the hearing must be conducted by the SEA, or State Education Agency, or the public entity directly responsible for the education of the child, as determined under state statute, state regulation, or a written policy of the State Education Agency.

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So, this is not a conflict between federal and state laws, what was inferred earlier. And as I explained, already embedded into that process is the ability to object to a virtual hearing and to have that objection heard by the presiding judge to make a determination of whether or not the hearing should move forward virtually or in-person.

And I have definitely had cases where we would have, had those cases moved forward to hearing, been requesting or objecting to move those cases in-person for various reasons, period. And nothing that I said earlier – this is in response to a comment from the public, was advocating for fiscal – or however it was framed for the State of California, anything along those lines.

My point was simply that we've had longer retention of administrative law judges since switching to a virtual format, and I think that's really important for students. The longer an ALJ sticks around in this field, the more they understand this field, the more they learn about the nuances of very complex area of the law.

And I think that's very important for all parties because this is a complex area of the law. It is not simple. Thank you.

DIVISION CHIEF CASTILLO:

Member Veniez.

MS. VENIEZ:

Thank you. I would ask for the recommendation to be changed to actually go back to more in line with what's on the agenda. So, I would ask that it be revised to maybe state something like, recommendation to allow parents to request an in-person hearing without a justification being required, or a motion, parents being able to submit a motion to the OAH without justification required.

DIVISION CHIEF CASTILLO:

Member Kamm.

MS. KAMM:

Yes. And I think, again, we're kind of conflating multiple things here, the costs and the – all of these other issues were never an issue prior to COVID. Nobody even used Zoom until, you know, five years ago, maybe ten years ago, but we only even went there five years ago with COVID.

So, I think what Mr. Shaw is advocating for is basically for no parents to have the right to even request an in-person hearing. That is a totally separate thing then from what I am – from what my recommendation is, because it's my understanding that right now parents do have the right to hold an in-person hearing, because we didn't have Zoom prior to even that state code, from what I understand.

So, I think maybe the way to word it is – I'm trying to kind of take the different elements that other people have said, that – so, I think that first of all, the premise that parents cannot request a due process hearing, I think needs to be debunked, because I don't – I do not see anywhere in the IDEA that prohibits a parent from requesting a due process hearing in-person.

So, that's number one. There's nothing prohibiting that, and there's also nothing in the IDEA that gives the state or the vendor that right to deny that, from my understanding. I have not found that. So, perhaps we change it to something like "the OAH will honor a parent's request for an in-person hearing, pursuant to the IDEA." Because I do think that that is embedded in there, because there is nothing prohibiting in-person hearings in the IDEA.

DIVISION CHIEF CASTILLO:

Member Veniez.

MS. VENIEZ:

Thank you. I think if we refer to the IDEA in our recommendation, that's not specific enough, because even amongst this group, there's some differing opinions about what's included and what's not and where the authority is.

I don't know it's the place of this committee to be interpreting the law or making recommendations regarding the interpretation of law to the OAH, so I, again, would ask that it – that the recommendation be more specific and maybe more tailored to our agenda item and to our discussion.

So, I'll, again, state my suggestion that our recommendation be to allow parents to request an in-person hearing without any justification required.

DIVISION CHIEF CASTILLO:

Member Kamm.

MS. KAMM:

Well, the problem I have with that is it sounds like you're saying that OAH has the ability to allow a parent even to request an in-person hearing. So, I would just change the wording. OAH does not have that – have that authority, from what I understand.

So, I think that just the wording is – well, let me ask a question first, I guess, Mr. Castillo. Can you confirm that right now the policy is, if a parent requests an in-person due process hearing, that OAH has the ability and the legal authority to request justification?

And can you explain what criteria OAH uses for that, because I think maybe we need some clarity on exactly what the system is right now so that we could get to the heart of the recommendation.

DIVISION CHIEF CASTILLO:

As Mr. Shaw indicated, that either party may make a request for an in-person hearing, and they shall provide good cause, reasons why an in-person hearing is needed, and that the administrative law judge will look at that and make a determination based on the facts and the law, whether or not to grant the request for an in-person hearing or not.

OAH will not give specific reasons, because each request is fact-specific as to why. And there – and so, can't give you a list. We do post – if somebody makes a formal motion for a request for an in-person hearing, if it's granted or denied, the order is then posted on our web page, which was part of response to recommendation made at a previous meeting.

So, OAH has made – reviewed, made rulings, and as of today, to the best of my knowledge, no one has filed an appeal on any of OAH's denials for an in-person hearing, so there has not been a ruling by a US district court on the matter.

Member Kamm.

MS. KAMM:

Okay, so what you are quoting, though, is not in the IDEA, that it must have good cause why it's needed. So, the recommendation –

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DIVISION CHIEF CASTILLO:

The one thing I would say is, is that our orders do lay out OAH's authority under federal and state law to have video conference hearings and to deny requests, if sufficient reasons are not given, why a hearing should be in-person.

MS. KAMM:

So, how did that happen – so, what happened pre-COVID before we all even knew what Zoom was? How come all of the – how come all of the hearings were in-person? I'm just trying to understand where the transition was, because somehow we're saying, all of a sudden, Zoom is the default when I know I never even heard of Zoom until five years ago.

So, I don't understand where that transition took place and how that is suddenly the default. And so, I think that that's really pivotal here, and that's why the IDEA, which was written in, what, the '70s, was not – didn't mention Zoom, didn't mention that everything has to be virtual, unless a specific good cause justification is needed.

And again, I think it's totally inappropriate to bring in costs of the ALJ and ALJs who don't want to work in in-person hearings. That's why the CDE has the ability to hire a different entity as a vendor, quite honestly.

If ALJs for OAH don't want to do in-person hearings and they aren't well-educated on special education, I mean, that's more of the reasons for the CDE to hire a different vendor. That's not a reason to deny rights, to – and to deny parents the ability to have something in-person if they want it or need it.

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And I just think that we've already seen that OAH is not neutral, and when you have these, you know, very nebulous, well, it just depends on if the judge feels like it's – you know, it is or isn't good cause, I mean, I don't think that that gives parents any confidence whatsoever in OAH to think that every decision is based on OAH in the dark without explanation.

I mean, I think this is quite astounding.

DIVISION CHIEF CASTILLO:

Okay. Member Shaw.

MR. SHAW:

Sure. So, my understanding is that moving to a virtual format was actually something that was in the process of being developed by the OAH prior to the COVID-19 pandemic. It was expedited as a result of the pandemic.

We were – you know, it was one of the only systems, judicial systems, that shut down and reopened within a two-week period. I had state court cases that were trailed five and a half years as a result of the pandemic, and the OAH pivoted to what they were planning on doing before the pandemic. So, my understanding is that that was part of what was going on.

Again, I would just emphasize to committee members that if they have concern about virtual versus in-person hearing, hearings, that that change has to come with a change in the law. And the two laws, that I explained, because those are codified.

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And again, the IDEA provides authority to the state to develop what those due process procedures look like and how those due process hearings take place. I would note, too, because I'm sure many parents out there, as well as people on this committee, are not aware, in some states, these hearings are conducted by telephone. Telephone, folks.

So, when you look at how our hearings are being conducted compared to other states, the volume of cases that are being pushed in California versus other states, it is starkly different. I highly doubt anybody here – I don't care on which side you are on, would think these hearings should be conducted via telephone, right?

So, you know, the – I will get back to my initial point, which is the reason I'm a big advocate of this current system, access to justice. Can't tell you how many times I am told parent goes to Attorney A who wants a 15-thousand dollar retainer that they can't afford, plus monthly payments, and that's the only person they can find in their area.

There are attorneys out there who represent parents at no cost. They take cases based on strength, okay? And there are real factors that attorneys have to consider when they're taking a case and how many cases they can take, and the cost of the case, those are all real factors.

We want to serve as many folks as we can as effectively as we can, and I think this is a good model for doing it. Contrary to an assertion that was attributed that I said, which is, in fact, not correct, I never said, nor do I advocate, that all hearings should be conducted virtually.

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As I stated earlier, there are certain situations that have arisen in my office where had that case gone forward, we would have been pushing for an in-person hearing because it would be impractical, if not impossible, to conduct a virtual hearing under those particular circumstances.

So, there are circumstances that warrant in-person hearings. Now, whether or not those are being granted in accordance with what people desire, or we have disagreement over what constitutes quote/unquote "good cause" for an in-person hearing, that's a different discussion.

But as it stands right now, the law is very clear on its face, and a resolution passed by this committee is not going to change what the law says.

DIVISION CHIEF CASTILLO:

Member Padron.

MR. PADRON:

Wow. Member Kamm, I think we simplify it. Allow parents in-person hearings without justification would suffice, because what I hear is that some of the members here have already given OAH fodder enough to deny the recommendation.

That recommendation has already been denied. I could see what the writing says. And some of the members have actually given fodder to that, which one of the public members said. Now, they're always going to bring up Code of Federal Regulations and that type of responses, and then they're going to justify it with cost.

And that's not – like Member Kamm said, that's not even the question here. A matter of fact, you shouldn't be against a parent asking for an in-person hearing regardless of how you feel and how it affects your actual firm or whatever it is.

But we're getting away from the actual reasoning here. The reasoning is, yes, under IDEA, although you don't want to hear that, parents have a right to a hearing. And if they want to request an in-person hearing, they should have that right, too.

Now, I don't – I didn't hear where there was any rule-making to create a change for OAH to make it primarily virtual. I'm sure members of the public were not asked to commit to present any comments for if they were against it, but here, some of the members have already assumed that responsibility that they're going to allow OAH to do what they want to do, and that's not even what we're talking about.

What we're talking about is parents should have the right to ask for an in-person hearing. That's it. Irregardless (sic) of all the – we spent an hour and a half on this matter. I think we should take it to a vote, simplify it, take it to a vote, avoid using IDEA or Code of Federal Regulations to justify and just take it to a vote, and then we'll see what the response is.

And at our next meeting, whether some of the members are here or not, then that's their own prerogative, if they want to pursue that at that time. Thank you.

DIVISION CHIEF CASTILLO:

Member Kamm.

MS. KAMM:

Yes, thank you. And I appreciate Mr. Shaw stating that OAH was – you said what they were already planning in terms of OAH already planning to go virtual prior to COVID. Again, that is really disconcerting to me that OAH is making these kinds of decisions.

So, OAH is a vendor, and it's supposed to be upholding the rights of parents, and these decisions are not supposed to be made based on the costs to OAH, because it is a department of DGS, and it's trying to save money everywhere.

And again, no one is suggesting, and it is not in the recommendation at all that every single case go back to in-person. And I think, for some reason, that's been misconstrued. Now, obviously, there are some people on here who have an agenda who would like every single case to be virtual for cost reasons or convenience reasons for the ALJs or OAH or for attorneys who don't want to go to in-person hearings.

All of those things are not what the recommendation was. But I do appreciate this conversation, because I think it's very enlightening to parents to see where some attorneys sit on this issue, and it certainly brings up a criteria for parents to ask about when searching for attorneys.

I will just reiterate (inaudible) whatever my last version was, and I will keep it at –

DIVISION CHIEF CASTILLO:

Member Kamm, would you like Judge Yazigi to read the last version?

MS. KAMM:

Yes, that would be great.

JUDGE YAZIGI:

I'm here. I will read it. I also do see that there is a hand raised, but I'll read it first, and then do with that what you will.

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There have been a few recommendations. My understanding is that Member Kamm's most recent iteration was OAH will honor a parents' request for an in-person hearing, pursuant to the IDEA, or I mean, there was the original, which is allow in-person hearings without justification needed.

Another iteration was allow parents to request an in-person hearing without justification required. I have those kind of grouped together as the same recommendation. There was also a friendly edit that OAH shall not or will not – I did put shall in there to try to conform the tone of the language to regulatory and statutory language, but that's certainly not necessary. You tell me if it – you land on this, whether you want shall or will. But OAH shall or will not deny parents an in-person hearing if requested by parent, pursuant to the IDEA.

So, I have three different iterations. My understanding, Member Kamm, is that your most recent iteration was OAH will honor a parent's request for an in-person hearing, pursuant to the IDEA.

MS. KAMM:

I think perhaps what I would – what I would say is, pursuant to the IDEA, which does not require a justification, because I think the justification part is important here.

JUDGE YAZIGI:

Okay, so what I have is, OAH will honor a parent's request for an in-person hearing, pursuant to the IDEA, which does not require a justification.

MS. KAMM:

Yes, that's fine.

JUDGE YAZIGI:

Okay.

DIVISION CHIEF CASTILLO:

Okay. Do we have a second for this proposed recommendation?

MR. PADRON:

Member Padron seconds.

DIVISION CHIEF CASTILLO:

Okay, we have a second. We'll take public comment.

LAURIE CROM:

Judge Castillo, Education Not Litigation has already spoken on this agenda item.

DIVISION CHIEF CASTILLO:

Yes, they have spoken, but they get to comment on the proposed recommendation.

LAURIE CROM:

Okay, Education Not Litigation, I am going to allow you to unmute yourself. You have three minutes, beginning now.

EDUCATION NOT LITIGATION:

Thank you for that, Judge Castillo. And wow, I mean, we have met the enemy, and them is us. Mr. Shaw, submit your resignation today and go file an application to advocate for OAH. You should be ashamed of yourself.

I've already heard comments from your former clients who are very disappointed with your type of representation, and you have just shown the world today why. This is the problem. You're supposed to be advocating for parents. OAH is not your client.

So, step down because you are a detriment to the parent community. This is not about the government's right. Student equals citizen. OAH equals government. This is to protect students from the overreach of the government, which is in full display today.

This should not be a one size fits all. Nobody is saying that. And Mr. Shaw expects us to believe that it is better for parents to have long time bureaucrats at OAH, and somehow, this is great for due process.

We are not serfs; we are citizens. Go back to the constitution. We the people. We the people, not we the bureaucrats. This is so ridiculous, and the fact that the attorneys that are here today that are supposed to be representing parents are just lighting a candle to OAH, praying to OAH, please, please, government, give us our rights.

Our rights don't come from the government. Our rights come from god. And this is not a communist system where you get to rule over the people. You are here working for us. And today, I hate to say that OAH is actually on better behavior than some of the quote, in air quote, "parent advocates" that are here that are supposed to be representing the interest of parents.

I mean, thank you, Mr. Padron. You said it perfectly. The writing is on the wall, because the writing on the wall has always been about the government, AKA OAH, taking over the process and not doing what they're supposed to be doing, which is upholding the due process rights of students with disabilities in California. Thank you.

DIVISION CHIEF CASTILLO:

Ms. Murai, please let her in.

LAURIE CROM:

Ms. Murai, and you have three minutes beginning now.

MS. MURAI:

Okay, first of all, I don't think some of the people here are listening to Mr. Shaw's comments. I've known Mr. Shaw for many years, and he is not saying that he chooses what forum the parents want, virtual or in-person.

I think what he's trying to just explain is that virtual has been successful for many parents, because many special ed attorneys, like myself, you know, I get calls, and I'm – unfortunately, cannot drive to Fresno to represent parents.

And I will give them a choice, you know? And again, for me, personally, I do everything in-person, but I give them a choice, and if they want in-person, then I try to, you know, find an attorney in Fresno that could do it or some – or an attorney that could do it in-person.

But I think people are misstating what Mr. Shaw has said. And also, I mean, I believe that he has been one of the strongest advocates of having OAH be more parent-centered. I think with me, personally, I just think, yes, the law doesn't say that parents have a guaranteed right to that, but I could – I would suggest having a policy within OAH that respects the rights of parents.

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So, if parents choose to want in-person, then they're – then they should be allowed, and then they, at some point, if they're looking for an attorney and they can't find an attorney, and they find another attorney that is able to do it virtually, then they the parent can make a decision.

Because again, I really don't like people just slandering people when you're not listening to the words of what they're saying. He's never said that straight out. I think he's just trying to explain to everybody both sides of the situation.

So, again, I – you know, I agree a lot with what the comments of David Palmer – I don't know where he is. But I think that, you know, it's the parents' choice, and I – you know, I urge the committee to really – even if it's not necessarily guided by the law, I still think that the OAH can make a recommendation.

Now, whether or not the district – say for example the district doesn't want it in-person, they can – they can, you know – they can make an argument using the law, but I -- you know, me personally, I always like policies and procedures that help the parents, because unfortunately, so many parents go into these hearings without representation.

I mean, I've gotten a notice of hearing. It's very complicated for any – you know, I've shown it to parents, and I've asked them, this – is this something that you can understand? And unfortunately, they can't, you –

LAURIE CROM:

Your three minutes have – are up. Thank you.

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DIVISION CHIEF CASTILLO:

Okay. We will now take a vote. I'm sorry, Ms. Veniez, we've already had committee discussion, and it's time for a vote to make sure then we get to agenda item six.

So, with that, Judge Yazigi, could you please read the recommendation?

JUDGE YAZIGI:

Certainly. I have the recommendation that OAH will honor a parent's request for an in-person hearing, pursuant to the IDEA, which does not require a justification.

DIVISION CHIEF CASTILLO:

Okay. For Northern California, Mr. Padron, your vote.

MR. PADRON:

Yes.

DIVISION CHIEF CASTILLO:

Member McCoy.

MS. MCCOY:

Yes.

DIVISION CHIEF CASTILLO:

Okay. Member Shaw.

MR. SHAW:

No.

DIVISION CHIEF CASTILLO:

No. Member Molina.

MR. MOLINA:

Yes.

DIVISION CHIEF CASTILLO:

Member Adams.

MS. ADAMS:

No.

DIVISION CHIEF CASTILLO:

So, that is three yesses and two noes from Northern California. From Southern California, Member Palmer.

MR. PALMER:

Yes.

DIVISION CHIEF CASTILLO:

Is that yes, Mr. Palmer?

MR. PALMER:

Yes.

DIVISION CHIEF CASTILLO:

Okay. Member Kamm.

MS. KAMM:

Yes.

DIVISION CHIEF CASTILLO:

Member Mendez.

MS. MENDEZ:

No.

DIVISION CHIEF CASTILLO:

No from Member Mendez. Member Veniez.

MS. VENIEZ:

No.

DIVISION CHIEF CASTILLO:

No from Member Veniez. Member Snowden.

MS. SNOWDEN:

No.

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DIVISION CHIEF CASTILLO:

No from Member Snowden. So, that is two yesses and three noes from Southern California. However, it has passed in Northern California three to two, so OAH will respond to that recommendation for Northern California.

With that, we are going to – for interpreters needing a break, we're going to take a break to 12:15, and then we'll have 45 minutes remaining as to the last agenda item. So, we are on break until 12:15.

(Off the record.)

DIVISION CHIEF CASTILLO:

It is 12:15. We have returned from the break. And now to agenda item six, and this is to remind members of the committee and people listening in that this meeting is scheduled to 1:00 p.m., and it will be ending as – at 1:00 p.m. as scheduled.

Member Kamm, item number six, which is solicit parent input on the Parent Handbook.

MS. KAMM:

Okay. So, I have a feeling this is going to go the same way as the other agenda items, but let me just give some background for all of the parents and advocates who are listening here.

I believe it was prior to the last meeting or at the last meeting, this committee, who is supposed to advise OAH on improving the system for parents, was not even aware that OAH was revising its parent handbook.

Again, this is acting in secrecy, not even letting the committee know. We were – I requested, and I think others did as well, that the – that this committee be allowed to discuss improvements to the Parent Handbook.

The Parent Handbook is specifically to help parents, especially if they don't have attorneys or they can't find an attorney or can't for whatever reason, costs or other reasons, to help them understand the process.

So, this committee asked that we bring this up as an agenda item so that we could all have a conversation like we're having today on how to improve that handbook for parents who cannot get an attorney, and OAH denied that request.

OAH also denied parents being able to have the opportunity to give input into the Parent Special Ed Handbook that is geared towards helping them understand the system. What OAH did instead, and again, without CDE approval, from what I can gather from the public records, OAH, once they were found out that they were editing the handbook without anybody's knowledge, they then allowed us committee members individually per e-mail to give some input into the Parent Handbook.

But what that did, of course, is it denied us the opportunity to have a conversation like we're having now, kind of bat around ideas about how to word things, and you know, using some of the legal expertise about what would help there, but having all of us parent advocates speaking on behalf of parents as well as having parents be able to call in and give their direct input.

So, OAH denied all of that. OAH did not want any of us to have any input whatsoever, which again, goes back to the original issue here, that OAH is obviously not

neutral. And you know, we've heard all kinds of things here today about what other people do in other states and blah, blah, blah, and I will tell you, in other states, they allow lay advocates to represent parents.

So, while Mr. Shaw wants to talk about how some states only have hearings over phone, a lot of states actually allow lay representation, which gives a lot of parents a lot of opportunities rather than having to hire an attorney.

So, I think that, you know, if we're going to get into other – what other states do, that's a whole other conversation. But right now, the recommendation is, because OAH is – and I don't have the mission statement in front of me. Actually, is that something – Mr. Castillo, can you recite your mission statement since I don't have it in front of me?

DIVISION CHIEF CASTILLO:

Which mission statement, the advisory committee mission statement or the OAH mission statement?

MS. KAMM:

OAH.

DIVISION CHIEF CASTILLO:

Well, for special education, our mission statement is, as part of the Office of Administrative Hearings, provides fair and neutral resolutions for special education disputes.

MS. KAMM:

Okay. I believe that there's more than that on the website that refers to helping parents understand the system. I guess I'll have to find that later.

DIVISION CHIEF CASTILLO:

On the –

MS. KAMM:

But –

DIVISION CHIEF CASTILLO:

– mission statement for the general -- for the Office of Administrative Hearings is, to provide a neutral forum for fair and independent resolution of administrative matters, ensuring due process and respecting the dignity of all.

MS. KAMM:

Okay, thank you. So, the point of the Special Education Handbook, as it's my understanding, is to ensure that parents understand the process, as I said, especially if they can't find an attorney, but quite honestly, even if they have an attorney, having a handbook that explains what is a mediation, what is mediation only, which for parents listening, mediation only means if you're requesting mediation without going to a due process hearing.

What is a due process hearing? Because most people don't understand the administrative process, they really only know of, like, a formal court system, which is – does operate a little bit differently. They don't understand all of the different procedures and forms and all of that.

So, that is the point of the Parent Special Education Handbook. And parents were denied access to providing input into a handbook that would help clarify for other parents. So, the recommendation is, is that OAH solicit parent input on the Parent Handbook.

So, whether or not OAH has just kind of already rammed through its revision, I think that it's important that we have a recommendation here that – because obviously, it can be revised again. You can add things, you can clarify things.

So, the recommendation is that OAH solicits parent input on the parent handbook.

DIVISION CHIEF CASTILLO:

Okay. Any comments from members of the committee or questions? Member Veniez.

MS. VENIEZ:

Thank you. Just a quick point of clarification. Member Kamm, I know you've been referring to the Parent Handbook. I just want to confirm that it's the Special Education Handbook that you're referring to. Is that correct?

MS. KAMM:

I don't know if that – if that is what OAH has deemed it to be. I think it's – I think it's mostly geared towards parents, and if that's what OAH has called it, yes, but I quite honestly think it might be more appropriate to call it the Parent Handbook, but if it's – if OAH is calling it the Special Education Handbook, then yes, that's the same thing.

MS. VENIEZ:

Okay. I just want to clarify I'm not aware of a parent handbook, but I cam looking at – and I believe this discussion is for the Special Education Handbook provided by OAH. So, thank you.

DIVISION CHIEF CASTILLO:

Member Adams.

MS. ADAMS:

Thank you. Just to add to that, the first sentence in the handbook does say that this handbook is intended to help parties. So, it is my belief that the handbook is not just for parents; it's for all of the parties involved in the hearing.

I just wanted to comment real quick on the recommendation. I'm not opposed to parents providing input. I think that would be great. But I would ask that the recommendation be revised to include all parties be able to provide input, since the handbook is for all parties.

That would include attorneys, ALJs, district staff, and so on. Because, as the handbook is – reads now, there are some inaccuracies in there. There's some mistakes, there's some – there's the – even just the way that it reads, I mean, to Ms. Kamm's point, the intended audience is unclear because it alternates between a parent-focused handbook, but then it talks about a general special education reference.

So, I think, you know, getting a group of people from all sides of the – all sides would make for a much more robust and accurate handbook.

DIVISION CHIEF CASTILLO:

Member Shaw.

MR. SHAW:

So, yeah, I agree. I think parent input, school district input, input from ALJs and all stakeholders does make a lot of sense. I would simply note one thing. I don't know if Ms. Kamm received the e-mail or was aware of this, but on July 16th of 2025, the OAH

sent us, all the committee members, the committee made up of parents, attorneys, myself being a parent, child special needs, and an attorney, a copy of the handbook and asked for input into how that handbook could be modified or changed, and provided, I believe, one month to provide that input.

Now, I understand that wasn't open up to parents, attorneys, or representatives from school districts outside of this committee, and I do think that's not a bad idea to get input in from other folks as well besides those folks just on the committee.

But it was sent around on June 16th, 2025, to all the committee members. At least I got a copy of it. I can't see who else was included in that e-mail.

DIVISION CHIEF CASTILLO:

Member Kamm.

MS. KAMM:

Yes, Mr. Shaw, I did – I did mention that. I said that we were only provided after the fact, after OAH was found out that they were editing this handbook. They did not – they refused to allow us to talk about it at a meeting like this, and instead, they only sent us an e-mail where we could only provide our input in isolation.

So, yes, I did already address that, and I did provide information. So, I did address that, but that's – but as providing individual e-mails in isolation without the benefit of discussion, I think, again, is OAH overreaching and taking control over something that it should not have control over.

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OAH is a vendor, and as we all said, the whole reason this committee exists is so that all parties are represented. So, I am glad to hear that there isn't an objection to parents having input, because the way this meeting's been going today, I was a little worried that's what I was going to hear.

So, I am glad to hear that. However, when we talk about, yes, parents having input and school district and attorneys and ALJs, now, again, you are weighting things very, very heavily away from parents.

School districts already have teams of law firms. They spend millions and millions of dollars. They are experts in this. So, with every time you try to say we need to include school districts, and include all of these attorneys, and include everybody else, you are further and further and further diminishing the parent voice, and that is what happens with every single process that we do here.

And it's really disheartening to me to see so many attorneys who supposedly represent parents also chiming in in that respect. I hope that if we open this up to getting input from everyone, and I'm certainly amendable to editing the recommendation to make sure that it's not just parents.

But the IDEA does afford parents a lot of rights, and they are the ones who are at a disadvantage going through this process. Like I said, school districts have teams and teams of attorneys. Their special ed directors go to conferences all over the country at taxpayer expense. They get all kinds of training. They have teams and teams of people.

Who doesn't have teams of people and who doesn't understand the process are individual parents. And so, I think that we really need to focus on parents. They are not

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getting taxpayer-funded training, being flown all of the country, they're not getting paid for this process, how even, you know, parent attorneys are, as well as school district attorneys, so they are at a disadvantage.

Most parents don't have the legal training, they don't have the money, because they're not funded by taxpayers. So, I – while I can edit it to include other people, I think we really need to have an emphasis and priority on parent voices.

DIVISION CHIEF CASTILLO:

Any other comments and questions from committee members? We'll take public comment.

LAURIE CROM:

Education Not Litigation, you may now unmute yourself. You have three minutes.

EDUCATION NOT LITIGATION:

Thank you so much. And thank you, Ms. Kamm, for lifting up the voices of the parents. I never thought I would see a day when I would be agreeing more with FFF than I would with someone that's supposed to be representing my rights as a parent on this committee.

It's very troubling, but I think it's been illustrative, and certainly for the parents that are watching this meeting, which many are, but are afraid to speak for fear of retaliation by districts and OAH.

It is very troubling how this issue came up to begin with. It was sort of under Mr. Castillo's breath at one meeting, who – and he mentioned a handbook, a special education handbook. Well, this is the very function of this committee.

If they have a handbook, they can't just do it in the middle of the night. They're supposed to have some public input. They're supposed to have some advisory committee input. Otherwise, it's just a sham, because ultimately it is the people's government. It is not OAH government.

I mean, you need to go back to the constitution. This is not a socialist state. I know many times it operates like it, but you're still under the US Constitution, so you need to be reminded of that. The fact that the – even the intended audience for the handbook is unclear just tells you everything you need to know.

And I'm not sure if the attorneys here are familiar with the Bagley-Keene Act, because you're special ed attorneys, but the input for an advisory committee under the Bagley-Keene Act is supposed to be in public.

And when you have a system where you have all the committee members sending input into a centralized location, that is basically a spoke and wheel type of serial communication. And that is prohibited under both the Brown Act and the Bagley-Keene Act.

So, I would highly encourage you to open the process to the parents, and yeah, anybody else that wants to comment, like Ms. Kamm said, they already have a forum for that, but they're welcome to participate here. We don't want to deprive anyone of their First Amendment rights.

But it is very troubling of how this process is working out and how non-transparent it is. Thank you.

DIVISION CHIEF CASTILLO:

Invite Sam in.

LAURIE CROM:

Attendee Sam, you are now allowed to unmute yourself. You have three minutes starting now.

ATTENDEE SAM:

Yeah, I (inaudible) team members and parents listening, my name is Samuel Ochoquandaminga (phonetic). I just want to give you this LA, Los Angeles Superior Court Case Number, 25, S for Sam, T for Tommy, C for Charlie, P for Peter, 00725.

We had a case against the LA USD, and the case obviously ended up in OHA, AOH, and it's – most of the parents have encountered, and most of the – some of the points that has been highlighted by a Mrs. Kim. We went through OAH. You know, the deadlines were not met, and it's all under the leadership of Mr. Castillo.

Mr. Castillo, I don't think he's fit to lead this organization, and I don't think it's – he is the person for the organization to be unbiased. As long as Mr. Castillo is there, his organization will still operate as against the parents and for the school district.

And I believe that there is something going on, other payments going on with the school district and the OAH, and I would hope, at one point maybe, some sort of investigation, if their investigation gets involved into this, and find out what's really going on with OAH, because there is something going on, because AOH cannot be ruling against the parents or child.

How many cases have parents won against AOH? Genuine cases, cases that make sense, cases that should be for the parents against the school districts. Those cases, they go always against the parents. And thank you, I'm done.

DIVISION CHIEF CASTILLO:

Thank you. (Inaudible) Shirrels (phonetic).

LAURIE CROM:

You may now unmute yourself. You have three minutes starting now.

UNKNOWN SPEAKER:

Thank you.

MS. SHIRRELS:

So, okay, hi. My name is (inaudible) Shirrels, and I'm – I've just been listening in. I'm a parent that – and I don't have any – I don't have – I don't have any experience with OAH, except for listening in on this advisory committee today, and as a parent of a child that has special needs.

So, I'm very concerned about the tilt of these conversations. I do want to commend the committee member, Kamm, and Padron for standing up for parents, like, because to hear the – for –

DIVISION CHIEF CASTILLO:

(Inaudible) –

MS. SHIRRELS:

– the district, it is – it is really concerning that there should even be a statement at this point about recommend – parents being recommended to add input into a special education handbook that would benefit their children, their families.

So, I just – I just really hope that everybody that is on this committee, one, thank you all for being a part of it, anyhow, because I know that it's voluntary, I know that it's not paid, and at the same time, I just really hope that moving into the future, that folks reorient themselves around what is truly important here, and that is that the children get access to a fair education, a fair and appropriate education, and that folks should know and be able to honor that most of the time, if parents are going through this whole process, it's because – it's because they really care about how their children get an education, and they really should be, like, the top priority in the majority of these cases.

So, I just wanted to share that. Thank you, guys for being here again.

DIVISION CHIEF CASTILLO:

Will you invite Jane Taylor in?

LAURIE CROM:

Jane, Jane Taylor, you may now unmute yourself.

MS. TAYLOR:

It's –

LAURIE CROM:

You have three minutes starting now.

MS. TAYLOR:

– yeah, it's me again. (Inaudible) that now I'm sharing, no one can cut me off. So, my name again is (inaudible) Chipondaninga which is C-H-I, P for Peter, O, N, D for delta, A-N-I-N-G-A, and I told you in there on my case at the LA Superior Court is 25STCP00725.

There's no point giving you OAH Case Number because they made sure it's not on the website. You can't find it. And I wanted to just chime in on the handbook. There is no link, hyperlink for the handbook. You actually request. I requested a copy last week. The copy I got, there's no content, so it's very, very difficult to cross-reference.

You actually have to write to get it. When we went through the due process, we had no idea there's a handbook, which would have been helpful. Some of the attorneys that most parents are complaining about their behavior, there is the typical, you get (inaudible) OAH, which is what we did without a writ of (inaudible) 1094.5.

The AOH and LA USD, they get together with the districts. There's money paid under the door for attorneys not to take your cases, which makes it very difficult for parents to take any of this organization to superior court.

And OAH, on the last day of hearing, on Thursday, October 16, they actually hired Cindy Rodriguez, an independent journalist to actually make an article so that clean up the mess of our case. I'm on one minute, 39 minutes, so I'm counting my minutes. Don't cut me off.

So, we all need to file a class action suit. Any of the parents online today, I am going to put a Facebook when we all need to join, and we need to file a class action suit. We need to talk to the FBI. We need to talk to anyone who's listening.

Mr. Castillo, I'm two minutes now. I assure you, on Thursday, wasn't the last day of hearing about me. We are going to put again and again and again what you guys did to report my husband to CPS using false (inaudible) CPS reports that I'm abusing my daughter just because you wanted to take the educational right of us advocating for our daughter. You're not getting away with it.

The tentative hearing decision that was published (inaudible) copies of, it also mentioned about the CPS false claim that (inaudible) so, I will be seeing you to court very soon. I am filing another law suit against the LA USD, so you can warn them.

Parents on this side, please, let's (inaudible). My husband's e-mail address is C-H-I-P-P-S-B-A-Z, chippsbaz@gmail.com. I've only got five seconds. Mr. Castillo and your people will see you soon, okay? You don't deserve to even be sitting on that chair like some say. You don't. You –

DIVISION CHIEF CASTILLO:

Okay, three minutes are up.

LAURIE CROM:

You have – you have exceeded your three minutes.

DIVISION CHIEF CASTILLO:

Okay. We have 18 minutes remaining. Ms. Kamm, would you like to make a recommendation for agenda item six?

MS. KAMM:

Well, my original recommendation was to solicit input on the Parent Handbook. I think what I will do is I will modify that to – I think that I am recommending that we have a special meeting to solicit input, and so that this committee can also discuss this in accordance with the Bagley-Keene Act.

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

And again, the -- again, this goes to the issue of OAH making decisions unilaterally without even consulting with the CDE and totally hamstringing this committee, which we are all spending a lot of hours here, and yet, OAH is making decisions unilaterally.

And Mr. Castillo, I do think it's a -- it's a conflict of interest for you to also be a CDE contract monitor, or the contract monitor for OAH, and hold these meetings, and be the one who's trying to find a facilitator, because you're saying that OAH is not neutral.

So, I think that, you know, you hold a lot of power here, and you -- you've time and again impeded participation by parents. So, I really hope that we get to a point where you really will follow the law and obtain parent information and input into the handbook.

So, I will change, modify the recommendation that we hold a special meeting to discuss the Special Education Handbook that will be open and -- open and that parents will become aware of that.

So, the recommendation is for a meeting specifically to discuss that, the Special Education Handbook. Thank you.

DIVISION CHIEF CASTILLO:

Judge Yazigi.

JUDGE YAZIGI:

Yes. I've taken a little bit of creative liberty with how I've worded this, so Ms. Kamm, you let me know if I've captured everything. What I have, the

recommendation is that OAH hold a special meeting open to the public to discuss and solicit input on the Special Education Handbook, in accordance with the Bagley-Keene Act.

MS. KAMM:

Yes, I think that's fine, unless there's other comments from committee members.

DIVISION CHIEF CASTILLO:

Member Palmer.

MR. PALMER:

I just wanted to state for the record that I did receive the e-mail in June about giving input. I chose not to participate in that because of my concerns of it being outside of the guidance of the Bagley-Keene Act. So, that was just my position.

DIVISION CHIEF CASTILLO:

Okay. Member Shaw.

MR. SHAW:

Yeah, maybe as a subcomponent, might I suggest that OAH makes this handbook available online on their website. It's currently only available via mailing or completing a mailing address and contact information to the OAH to get a copy of at this time.

So, I don't know if we – if the current version that – or the version that I was provided in June is even the current version.

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DIVISION CHIEF CASTILLO:

I will state that the version that was sent to the committee members in June has not been put online yet. OAH did modify the document, and it is now back with CDE for their review and comment.

But the intent is, once approved by CDE, that it will go online. There'll be a PDF available that people can download or review online, or if the request would be print, and OAH would print it and mail.

MS. KAMM:

Could you clarify when that went to the CDE?

DIVISION CHIEF CASTILLO:

20 days ago.

MS. KAMM:

So, 20 days ago, and when do you expect the CDE response?

DIVISION CHIEF CASTILLO:

You'd have to ask CDE.

MS. KAMM:

Okay. Well, as it stand – as it stands, I'm glad to see that at least you are trying to get approval from the CDE, because as I stated before, that does not seem to happen with any other policy or procedure.

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

However, the CDE, again, is mostly unelected bureaucrats who do not represent parents, and so they do not have the knowledge or experience that parents have, so I don't think that sending it to the CDE negates or overrides the importance of parental input into this really, really important documentation.

And I think that, again, this is – that's exactly what this committee is for, is that we represent parents, we represent attorneys, we represent school districts, so I – OAH is impeding our ability to provide comment in a Bagley-Keene Act compliant manner is really troubling.

So, I will stick with the recommendation that we hold a meeting specific to the parent – to the Special Education Handbook.

DIVISION CHIEF CASTILLO:

Is there a second to Ms. Kamm's recommendation?

MR. PALMER:

I'll second.

DIVISION CHIEF CASTILLO:

We have a second, Mr. Palmer. Okay. Public comment on the proposed recommendation.

LAURIE CROM:

Yes.

DIVISION CHIEF CASTILLO:

Ms. (inaudible) if you could please invite her in.

LAURIE CROM:

Okay, Ms. Murai, you are now able to unmute yourself. You have three minutes.

MS. MURAI:

Okay, good afternoon. I was on the OAH Advisory Committee many moons ago, and I know that I asked for videos and things, and unfortunately, I'm not sure if it got done.

But I do think it's really important to get parent input, as well as the other stakeholders, but what I would suggest, instead of holding a meeting, is to maybe create, like – I know LA USD uses ThoughtExchange or use a Google form of some sort that can document different comments from various constituencies just to streamline it, and then maybe then, once you get all the comments, then at a next meeting, you guys can review the comments and what not.

But I do think that it is important to get, you know, other input besides the committee members, and that there should be – you know, it should be done – well, ideally, it should have been done prior to you sending the handbook to CDE for an approval.

And particularly, I think, you know, we need to consider parents that English is not their first language. The document is itself very complicated, and so it needs to be, you know – we need to get input from there.

So, if you're getting – you know, if you only have the draft that you sent to CD in English, you're not going to be able to get input from those that don't read or write in English. So, I would suggest, you know, translating the draft document in multiple languages, and then sending out, you know, notices through, you know, those that have access, you know, the little e-mails that you guys send out, as well as create more, like,

on your webpage, you know, here, please comment on this handbook, just so you can get more input, other than, like, what 14 can – 144A12 – like, 15 members. So, thank you.

DIVISION CHIEF CASTILLO:

Thank you. Education Not Litigation.

LAURIE CROM:

You now have three minutes. Please unmute yourself.

EDUCATION NOT LITIGATION:

Thank you so much. What we have witnessed here today regarding this special education handbook is an example of underground regulation. That's what it's called. Every other agency in the State of California basically has a public comment period for their proposed policies or regulations, and OAH is supposed to have that, too, by virtue of having a quote, "advisory committee."

What Mr. Castillo explained to you that he's doing is that he has you here wasting your time, postponing meeting after meeting just so he can check the box and pretend that he works for the taxpayers of the State of California.

But he just told you that he went around the committee directly to CDE, even though CDE has an interagency agreement with OAH as a vendor, to solicit input from the committee. It really is disturbing and very eye-opening, and I am so glad that those issues have been exposed today, as well as many other issues.

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

What OAH is doing is derailing the process and delegitimizing the role of the committee. It's supposed to be about OAH working for the people, for the parents and the children of the State of California, not for OAH's own self-serving agenda and power.

This is about the government having absolute power without citizen oversight. It is a very basic concept. And I don't even understand why this committee doesn't get a stipend. It was mentioned that they're volunteers. Other agencies have stipends for advisory committee members.

I mean, the lawyers, I don't know who's paying the lawyers to be here, because I doubt that law firms that represent districts want to volunteer their time for this endeavor, so somebody's paying them, but I know the parent representatives are not getting paid.

So, that's concerning, but the handbook process is completely flawed. So, yes, OAH should post a draft handbook on their website, send it out without serial communication, comply with the Bagley-Keene Act, and schedule another meeting, but not –

LAURIE CROM:

Your three minutes are up. You have been muted.

DIVISION CHIEF CASTILLO:

Okay. Judge Yazigi, could you please read the recommendation? Then we'll take a vote.

JUDGE YAZIGI:

Certainly. I have that OAH hold a special meeting open to the public to discuss and solicit input on special – on the Special Education Handbook in accordance with the Bagley-Keene Act.

I should mention that there was mention of – I believe it was Member Shaw that suggested that OAH also make a special education handbook available to the public online; however, my understanding is that that's not currently part of the motion. Correct me if I'm wrong.

DIVISION CHIEF CASTILLO:

You are correct.

JUDGE YAZIGI:

Okay.

DIVISION CHIEF CASTILLO:

Okay. And –

MS. KAMM:

I can revise – I can revise the wording to include after it is – after it has been posted, because quite honestly, it's very concerning to me that people have to give their e-mail address just to request a document.

I mean, is OAH tracking us just like you wanted to monitor us with the facilitator today? I mean, I think OAH's behavior is really, really concerning as a government entity to require that parents give their name and e-mail address just to request documentation.

And if we want to get into other states, other states provide a whole heck of a lot more information to parents and the community without requiring them to request it or give any of their private information.

So, let me just revise it so we can get to a vote real quick here, and I think –

DIVISION CHIEF CASTILLO:

Ms. Kamm, I'm going to stop. Only reason, we are going to run out of time and have to go back. So, if you want to revise it, fine, but we'll run out of time. The meeting will end at 1 o'clock.

MS. KAMM:

So, again, you are unilaterally determining that the agenda item cannot be revised. I don't remember – I don't recall ever voting that the meeting had to end at 1 o'clock. Again, that was a unilateral decision by you, Mr. Castillo.

I think it's reasonable. Most meetings continue for five minutes. So, I will –

DIVISION CHIEF CASTILLO:

(Inaudible) –

MS. KAMM:

– if you are going to deny the committee the right to -- if my choice is you are going to deny the committee the right to a vote completely or if I try to revise it to include the recommendation by Mr. Shaw, I think, again, that goes against the interagency agreement.

It's very simple. It's just to –

DIVISION CHIEF CASTILLO:

(Inaudible) –

MS. KAMM:

– add that one component that after it's – that it is drafted, that it – that the – it is posted. Not that difficult, Mr. Castillo.

DIVISION CHIEF CASTILLO:

Did you get that, Judge Yazigi?

JUDGE YAZIGI:

Okay. Very quickly, that OAH hold a special meeting open to the public to discuss and solicit input on the Special Education Handbook in accordance with the Bagley-Keene Act. After the handbook is drafted, it shall be made available to the public online. Does that capture everything?

MS. KAMM:

It's already drafted. I think you just need a comma after the first part saying that the meeting will be held after the draft is posted. So, the draft should be posted now, and then we will hold a meeting.

JUDGE YAZIGI:

Okay. So, I'm not sure I'm capturing everything as it was intended, so I will defer to you, Member Kamm, to just start from the stop, and I'll take copious notes.

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

MS. KAMM:

Okay, I feel like we're just kind of trying to run out the clock here. I think you'd have to – I said you could just reread the first part, add a comma, and say after the draft is posted. So, you have it all there.

JUDGE YAZIGI:

So, I'm not sure I do, so I just want to make sure I'm capturing everything, that OAH hold a special meeting open to the public to discuss and solicit input on special education – on the Special Education Handbook in accordance with the Bagley-Keene Act, comma –

MS. KAMM:

Comma.

JUDGE YAZIGI:

– and –

MS. KAMM:

No, not and.

DIVISION CHIEF CASTILLO:

No and.

MS. KAMM:

After the draft is posted –

JUDGE YAZIGI:

Okay.

MS. KAMM:

–which should be immediately, I guess. I mean, I – we're going to give you more leeway to just string things out again. I mean, this is – this is what's really crazy is that we were spending so much time parsing these words, and then OAH is going to come back and say no anyway.

I mean, that's really what gets to the heart of this. We are – we have been volunteering our time hour after hour after hour just for Mr. Castillo to say no to very basic commonsense things and draw things out is just – is just proof that this –

DIVISION CHIEF CASTILLO:

Ms. Kamm.

MS. KAMM:

– a complete farce.

DIVISION CHIEF CASTILLO:

Ms. Kamm, do not insult the administrative law judges who are here attempting to assist this matter. I will take as much abuse as you want from me –

MS. KAMM:

Mr. Castillo, I have been insulted –

DIVISION CHIEF CASTILLO:

– to me.

MS. KAMM:

– I have been insulted over and over again by you and this meeting, and it is my First Amendment right to -- you cannot engage in viewpoint discrimination, Mr. Castillo. I'm sure that you know that under the First Amendment.

DIVISION CHIEF CASTILLO:

Judge Yazigi, will you please read this back?

JUDGE YAZIGI:

Okay, hope I've captured it correctly from the top, that OAH hold a special meeting open to the public to discuss and solicit input on special education – on the Special Education Handbook in accordance with the Bagley-Keene Act, after the draft is posted, that it be posted online.

DIVISION CHIEF CASTILLO:

Do we have a second? Mr. Molina, are you seconding?

MR. MOLINA:

Yes, Mr. Molina will second.

DIVISION CHIEF CASTILLO:

Thank you. And we will take a vote. Mr. 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 Adams.

MS. ADAMS:

Yes. Oops.

DIVISION CHIEF CASTILLO:

That is five yes votes for Northern California. For Southern California, Member Palmer.

MR. PALMER:

Yes.

DIVISION CHIEF CASTILLO:

Member Kamm.

MS. KAMM:

Yes.

DIVISION CHIEF CASTILLO:

Yes from Member Kamm. Member Mendez.

MS. MENDEZ:

Yes.

DIVISION CHIEF CASTILLO:

Member Veniez.

MS. VENIEZ:

Yes.

DIVISION CHIEF CASTILLO:

Member Snowden.

MS. SNOWDEN:

Yes.

DIVISION CHIEF CASTILLO:

That is five yes votes from Southern California. It has passed Northern and Southern California committees. OAH will respond to the proposed recommendation to agenda item number six. As I indicated, the meeting will (inaudible) –

MS. KAMM:

We haven't had public comment. Per the Bagley-Keene Act, we need to have general public comment; otherwise, we're out of compliance.

DIVISION CHIEF CASTILLO:

OAH, the Bagley-Keene Act does not require generalized public comment. We have taken public comment during the agenda items, which we have done. So, this –it is 1:00 p.m. And please stop recording, and –

- 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 October 17, 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 27th day of October, 2025.

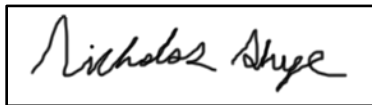
A rectangular box containing a handwritten signature in cursive script that reads "Nicholas Shupe".

Figure 1 Signature of Transcriber

Nicholas Shupe

Transcriber

Northern California Court Reporters