

TRANSCRIPTION OF RECORDED MEETING
OF
SPECIAL EDUCATION DIVISION
ADVISORY COMMITTEE MEETING
JUNE 19, 2026

NORTHERN CALIFORNIA

Committee Members Present:

ALFONSO PADRON
DAVID MOLINA
EUGENE MOSQUEDA
MARIE FAJARDO
MARY PEITSO
STEPHANIE OLSEN

SOUTHERN CALIFORNIA

Committee Members Present:

AMANDA SIMMONS
ANGELA KNOWLES
ARAN BURKE
CHERYL MILLER
STEPHANIE VENIEZ
SUZANNE SNOWDEN

OAH STAFF PRESENT:

PETER PAUL CASTILLO

ZACKERY MORAZZINI

BOB VARMA

JOY REDMON

COLE DALTON

CLAIRE YAZIGI

TRINITY DORANTES

LAURIE CROM

ANNA BROWN

ASHLEY AMES

SPANISH INTERPRETERS:

MARC GUTIERREZ

LETICIA REYNA

TRANSCRIBED BY:

NICHOLAS SHUPE

NCCR,

SACRAMENTO, CALIFORNIA

JUNE 19, 2026

DIVISION CHIEF CASTILLO:

I'll start the recording. Good morning. I will ask the Spanish interpreters to please do consecutive interpretation.

INTERPRETER GUTIERREZ:

Yes, sir. We are on standby and ready for you. Thank you so much.

DIVISION CHIEF CASTILLO:

Okay. Good morning, everybody. We are here for the June 19, 2026 Special Education Advisory Committee Meeting. And before we commence the meeting, I will give instructions for the Spanish interpretation, if anyone requires it.

For anyone who would like to listen to this committee meeting interpreted in Spanish, we'll be turning on shortly the interpretation feature. This interpretation is not available for anyone listening in by telephone.

When the interpretation feature is turned on, you will see a button on your meeting controls at the bottom of your screen labeled "interpretation." That may also be in the button more if you -- we click the three dots there, the interpretation feature may show up there.

For those who wish to listen to this meeting in Spanish, you will then click "Spanish." For the committee members wanting to listen in English and for the people and the participants listening in wanting to listen to English, please click the button "English" when it appears.

When the interpretation feature is turned on, our interpreters will be broadcasting in the Spanish channel. And if you're in the English channel, you will not hear the interpreter. If we have any comments requested by a Spanish-speaking individual, the interpreter will be translating those comments into English in the English channel for all of us to hear.

Could you please turn on the interpretation feature? And with that, I'd like to introduce today's interpreters. Who we just saw was Marc Gutierrez, and assisting him will be Leticia Reyna. And if they have a comment from a Spanish-speaking person, we'll ask Mr. Gutierrez and Ms. Reyna to raise their hand so we make sure that we call upon them.

I'd like to call the June 29 -- June 19, 2026 Special Education Advisory Committee meeting into session. We do have a quorum. All 12 members are present today, either by videoconference or in-person.

This is a reminder that even though that when you log on, a screen showed up saying please don't record or screenshot, et cetera. Those are for hearings and mediations. It is a standard message that we have for that. We cannot turn it off for our webinar. Pursuant to the California Open Meetings Act, you may audio record, video record, screen snapshot today's meeting, pursuant to the California Open Meeting Act.

Additionally, we'll be making a transcript of -- we are recording today's meeting. We are -- we'll make a transcript of today's meeting, and that'll be posted on our OAH website once it is transcribed.

To the committee members, this is -- we do not have the chat function turned on for this meeting. That is to ensure that all comments that committee members make are to the Committee and to members of the public so not to be in violation of the

Open Meetings Act. This is also a reminder to committee members that there are no side chats by text or et cetera amongst each other, that all comments, et cetera, that members have are to be made during the video conference so the members of the public can hear.

I'd like to introduce myself. I am Division Chief Administrative Law Judge Peter Paul Castillo of the Office of Administrative Hearings, Special Education Division.

Today, I think we have in attendance our Deputy Director and Chief ALJ Zackery Morazzini. Also, we have in attendance our Deputy Director and Assistant Chief ALJ Bob Varma. We have in attendance Presiding Administrative Law Judge Cole Dalton; in their Sacramento office, Presiding Administrative Law Judge Joy Redmon.

So, I am going to take roll at this time to comply with the Open Meeting Act, and then we'll start with the meeting. So, when I call your name, please unmute yourself and just say here or present.

Start first with the Northern California members. Alfonso Padron.

MR. PADRON:

Here, present.

DIVISION CHIEF CASTILLO:

David Molina.

MR. MOLINA:

Here.

DIVISION CHIEF CASTILLO:

Eugene Mosqueda.

MR. MOSQUEDA:

Present.

DIVISION CHIEF CASTILLO:

Marie Fajardo.

MS. FAJARDO:

Present.

DIVISION CHIEF CASTILLO:

Mary Peitso.

MS. PEITSO:

Present.

DIVISION CHIEF CASTILLO:

Stephanie Olsen.

MS. OLSEN:

Present.

DIVISION CHIEF CASTILLO:

And to our Southern California members, Amanda Simmons.

MS. SIMMONS:

Present.

DIVISION CHIEF CASTILLO:

Angela Knowles. Angela Knowles? Let's see. Angela Knowles. Aran Burke.

MR. BURKE:

Present.

DIVISION CHIEF CASTILLO:

Cheryl Miller.

MS. MILLER:

Present.

DIVISION CHIEF CASTILLO:

Stephanie Veniez.

MS. VENIEZ:

Present.

DIVISION CHIEF CASTILLO:

And Suzanne Snowden.

MS. SNOWDEN:

Present.

DIVISION CHIEF CASTILLO:

Okay. We have a quorum in full session. Just to remind the committee members, pursuant to the Open Meetings Act, that your camera is to be on. If for some reason you have technical difficulty, please e-mail our operations staff to assist you, and so we can make sure that when you -- especially when you are talking for any public comment, any comments that you have and voting, that your camera is on.

For the committee members, as -- when we get to the agenda items, if there's anything, I will be asking for comment. If you'd like to be recognized to speak, please raise your hand. There is a button, raise hand function on the bottom of your screen. If that is not working, if you can just visually just raise your hand, and I will call upon you. For Mr. Mosqueda, if you just raise your hand, and whoever's in our Sacramento office, please recognize him so we can call upon him.

For public comment, public comment is listed -- limited to three minutes for each public comment to allow time for as many comments as possible. For members of the public, if you wish to speak when it's time for public comment, if you could please raise your virtual hand using the raise hand function on the bottom of your screen; if you are by telephone, by pressing *9 on your phone's key -- keypad.

Once you are given permission to speak, if you are by telephone, hit *6 and you'll come into the meeting. If you are on the videoconference, please accept the invitation to come into the meeting, the main room, and you will be then -- come into the main room, and your time will start when you start talking.

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For e-mail comments, we do accept e-mail comments. Please put in the subject line the agenda item that you wish to comment on. Any e-mails that do not state the agenda item will be held until the end of the meeting when we do public comments. OAH will read your comments into the record, and we will have the same three-minute thing.

We have -- is Angela Knowles -- if you can just say present.

MS. KNOWLES:

Present.

DIVISION CHIEF CASTILLO:

Present. Okay, we have all committee members present for the meeting. The overview of the committee meeting process, when we start with the agenda items, the person who proposed the agenda item will be asked to explain the agenda item and given time to discuss that item and the reason for the proposal, then we will take comments from the other members of the committee.

If there's any legal explanation that's required about OAH's process, et cetera, I may provide that so the agenda -- so the members of the committee and members of the public will have a better overview of the basis of the question.

Once all members of the Committee have had the opportunity to speak at least once, we will take public comments. At the end of the public comment, I will then ask the individual who made the agenda item for us to consider, or any other member of the committee, if they would like to make a recommendation for OAH to consider.

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We will then work to get that phrased into a proposal or recommendation for OAH to consider. We'll work with in phrasing that, and then we'll have comments on the proposed recommendation by the committee members and more comments from members of the public, and then if there's a second, we'll take a vote on the agenda item, and if it does pass either one of the committees, since we have two committees, so it passes either one by a majority, OAH will respond to that recommendation, and we will do that for every agenda items proposed by a committee member.

When it's time for vote, I will ask for votes for -- if you could please make sure your camera is on and turn on your audio and reply yes or no for that, and we will, at the end of vote, say if the proposal passes or not.

At this time, I'd also -- to introduce members of OAH who are assisting in today's meeting. Our secretary is Administrative Law Judge Claire Yazigi. She'll be assisting, and she may interrupt from time to time to make sure, as she's taking notes and keeping track, that I am following all the requirements. Trinity Dorantes is in our Sacramento office running this meeting, and also assisted by our operations staff of Ashley Ames, Anna Brown, and Laurie Crom.

And since the last meeting last October, we have hired a new administrative law judge. Unfortunately, she is on leave and unable to present today. Katherine Rowe has started with the Office of Administrative Hearings and has started doing hearings and mediations. We have a new case manager, Monique Reeves, so you may be getting contact from Ms. Reeve (sic) on some of your cases.

Reminder of all OAH employees who are in this meeting, to make sure that your cameras are off, unless you're speaking up.

The next application period, we do have two terms that expire before the next October meeting, which will be the third Friday in October. Suzanne Snowden in Southern California's term will be expiring, and Eugene Mosqueda term will be expiring. And sometime in September, OAH will be soliciting applications for those position -- for those committee member slots.

If Ms. Snowden and Mr. Mosqueda would like to reapply, please reapply, and also anybody else who would like to apply, and we'll have those persons selected in time for them to make agenda item requests for the October meeting.

Expectation of members. All members are expected to attend every meeting, and the meetings will be held on the third Friday of -- month of June, and the third Friday of October. If a member is not able to attend, please notify OAH as soon as possible that you're not able to attend the meeting.

If a member misses two meetings, they may be removed from the Committee, and OAH will start the application process and choose a replacement. I encourage all of you to participate fully in this process. Your opinions and recommendations are vital for OAH to operate properly and to make improvements into our system.

This meeting is governed by the Open Meetings Act, and we -- all committee members -- oh, the application process will start in July for those positions. The committee and myself and all members of OAH are subject to the Open Meeting Act. Each member has been sent a copy of the act. A copy of the Open Meeting Act is also available on our website, and also available in our meeting rooms today, and also provided with the Department of Justice brochure and information regarding the Open Meetings Act, and that Department of Justice information is also on our website.

Our next meeting will be on October 16th, 2026, and I would like to get a member in the Northern California and Southern California who will agree to collect agenda items and send them to our OAH staff. So, all proposed agenda items from other committee members will be sent to the -- these members. Those members will then send it to OAH by the end of September for our fall meeting.

Is anyone in Northern California interested in being the chair to collect the agenda items for the fall meeting? If so, please raise your hand. Mr. Padron?

MR. PADRON:

Your Honor, if no one else agrees, I'll agree to continue to do it. I did it this last time.

DIVISION CHIEF CASTILLO:

Okay. Anyone else in Northern California? Seeing no one else in Northern California, Mr. Padron, thank you very much. So, Mr. Padron will be the chair for the fall meeting.

For Southern California, would anybody like to be the chair to collect agenda items for our meeting in the fall?

MR. BURKE:

Sorry, I'm having trouble finding my hand raise. Aran Burke. Happy to continue.

DIVISION CHIEF CASTILLO:

Okay. Mr. Burke, okay. Seeing no one further in Southern California, Mr. Burke will be the chair and collector of agenda items for the fall meeting for Southern California.

Our operations staff will be sending all the committee members a reminder e-mail about the agenda items, how to submit them well in advance of the fall meeting. And with that, we have only one agenda item that had been submitted for this June meeting. I will read it, then I will ask the member, Peitso, to discuss and the -- and the reason why this had been submitted.

The proposed recommendation was adding redacted student information regarding due process complaints, settlements, to the OAH website. Member Peitso?

MS. PEITSO:

Hi. Yeah, I think it's important information for the public to have. You know, it -- if there's districts that are being filed on and settling due process complaints regularly, it kind of shows a pattern of behavior, and I think it's important to have that information and have it accessible to the public.

It could either be posted on the OAH website in a separate settlement section, you know, and you could either post a redacted copy of the due process complaint or have a separate form for attorneys to fill out when they are requesting a dismissal due to settlement that lists the school district name, the school name, the grade of the student, and the issues that were filed on.

So, that's all I have. I'm throwing this out there for comment from others.

DIVISION CHIEF CASTILLO:

And just let me explain to members what -- we don't get copies of the settlement agreements. We are not -- we don't --

MS. PEITSO:

Right.

DIVISION CHIEF CASTILLO:

-- require the attorneys or parents that are representing themselves a copy. We just request that the parties inform us that the matter has settled. We may require a copy of the signature page. If the matter is pending a -- board approvals, we know that everything's been signed, and it is pending a board approval, but the terms of the settlement agreement are not required to be submitted to --

MS. PEITSO:

Right, I --

DIVISION CHIEF CASTILLO:

-- (inaudible). I'm just explaining to the -- since you know --

MS. PEITSO:

Okay.

DIVISION CHIEF CASTILLO:

-- you're involved in the process. I'm explaining to the members of the public who may be listening in, who don't --

MS. PEITSO:

Okay.

DIVISION CHIEF CASTILLO:

-- aren't involved in this so they just have an understanding of that.

MS. PEITSO:

Right. And I understand that, and I think that that's why you could either post a redacted copy of the due process complaint or have a separate form that is required for the attorneys to fill out when a case is dismissed, just listing, you know, generic information that is not related to the settlement agreement.

UNKNOWN SPEAKER:

May I be heard? I'm sorry.

DIVISION CHIEF CASTILLO:

Yes. (Inaudible) --

UNKNOWN SPEAKER:

I'm not -- I'm new to the process. So, I think Ms. Peitso is on to something. I think that it -- what she was suggesting was a form -- and excuse me, I'm under the weather, so my voice is not one-hundred percent.

A form where there could be a form that attorneys fill out after the fact, issue areas, resolution type, whether attorneys represented each party or were they self-represented, a timeline for -- like, because we do that now where -- on the calendar, you can tell when a case was filed versus, you know, like, when the hearing -- or you know, something like that, whether mediation or resolution, because that is something that you -- that you do track, and whether it involved expedited cases.

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It's not putting out confidential -- you know, the actual settlement agreement or the specific terms, but the general information so that, you know, attorneys and advocates can kind of look at the patterns of behavior from the different districts, because I mean, we notice our own patterns, but it would be helpful when -- you know, to have that information, and it would also promote transparency.

MS. VENIEZ:

This is Stephanie. I --

DIVISION CHIEF CASTILLO:

(Inaudible) yeah. I know people coming in, but as few -- if people could just raise their hand. So, Ms. Veniez (inaudible) --

MS. VENIEZ:

I apologize. Thank you very much. My only comments, I agree with the idea of having at least some kind of reporting mechanism out. I'm not sure that there's information that could really be identified in terms of the problem area or, you know, any information that may need to be disclosed as far as the proposed resolution or settlement amounts or things like that, just because of confidentiality, but at the very least, I think that publishing numbers and school district names would be very beneficial, and then any other information that's not protected by confidentiality, I would agree with that.

I would also just like to note that I believe that federal law requires confidentiality of the due process complaint itself, and so anything on the back end, I think, would need to be what we're talking about.

DIVISION CHIEF CASTILLO:

Ms. Snowden?

MS. SNOWDEN:

I guess I'm trying to understand how this would work, because I practice in Southern California, so obviously we file against LA USD all the time. I mean, it's a -- it's the second largest school district.

So, I guess I'm trying to understand how that would work, like, what -- so, we -- I mean, LA USD has -- I don't know how many cases they have. How would that work as your proposal? I'm just trying to understand it.

DIVISION CHIEF CASTILLO:

Member Peitso, would you like to respond?

MS. PEITSO:

I think just, you know, starting -- schedule a start date for it and just start with those cases that settle, starting on that date. I think it would be impossible to go back and have, you know, attorneys do those forms for previous dismissals, because I know that there's a lot of cases that go through OAH, but I think just pick a start date and do it going forward.

MS. SNOWDEN:

But I guess my question was, do what going forward? So, I settle a case with LA USD, I submit my dismissal, and then you are asking me to -- what are you asking me then to do? To submit a form with OAH saying student, second grades, filed against LA USD, raised Child Find issue, settled? Is that what you're --

MS. PEITSO:

Yeah. Yep, in a nutshell.

MS. SNOWDEN:

Okay.

DIVISION CHIEF CASTILLO:

Mr. Padron, you had your hand up.

MR. PADRON:

Yes. Let me lower my hand. I think it probably needs a little more clarification. This issue needs a little more clarification. I know most of us are aware of the process, but -- and Ms. Snowden can hit it on the point, like, what are you really asking me to do?

So, let's clarify the issues a little bit, according to my understanding. So, when you file, you could research any school district, and it'll tell you the cases that are open, when there's going to be a prehearing conference statement, conference, when there's going to be the actual hearing, but after that doesn't really tell me much, unless they went to hearing and then there's a decision posted.

And you can track those decisions, and that's a good way of finding out what really is going on, because they're really extensive decisions that go through all the issues, all the details. So, I think -- I think Ms. Peitso's point here is a good point, because we really haven't engaged in trying to understand a little more for some of us that do research on school districts to understand a little more about their history.

And this is what I'm gathering from Ms. Peitso's concern here is that she would like to find out a little more about if they're settling, and if they are, what are the issues? Now, we're getting into grey water here because of confidentiality, and I would like more explanation as well from Judge Castillo as to how that all works before it actually goes to OAH for them to decide whether they can do something like this.

So, I know Ms. Snowden said well, what are you really asking us to do? I think that we need to kind of hammer out the details, Ms. Peitso. Hammer out the details now so that we have a really good understanding what it is that we're asking OAH to do, and whether if it's something that the whole group here -- of course, we're going to vote on it.

The whole group really believes that it's something that will benefit not only attorneys, but -- and not only advocates, but parents as well. So, if we can round it off a little more by possibly having more conversation about this, I think that we can clarify the issue really well so when it goes to OAH again, you know, we have a really good answer. That's my point.

DIVISION CHIEF CASTILLO:

Before I get to Member Simmons, I'd like to respond to Mr. -- Member Padron's question. OAH keeps the aggregate, and we do report in our quarterly reports aggregate numbers as to cases filed -- number of cases filed, number of cases closed, and for the cases closed, the reasons for closure based on how that data is reported to us from the attorneys, because if a case -- there's many cases where we never touch the case, because the parties settle on resolution session and we get a dismissal order.

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So, it's important for party -- for parties to tell OAH that the matter is settled in resolution session so we can keep accurate statistics for that. If the matter settles at mediation, we do keep track of that information from our mediators, who will ask the parties, do we have an agreement? And we'll track that information when we get the dismissal from the parties.

There's also a great number of cases that settle outside of the process where parties cancel their mediations because they've reached an agreement talking to each other, parties make decisions just to dismiss cases on their own for whatever reason. And the other ones where we keep track are as Mr. Padron indicated where we've gone to decision.

And we'll keep track of those numbers, but we do report the statistics, but we report it in the aggregate. So, Member Simmons?

MS. SIMMONS:

Thank you, Your Honor. Oh, wait, let me lower my hand first. I was -- I was actually going to comment on exactly what you were commenting on, that the aggregated quarterly data does already have this information, and when the attorneys -- when we submit our dismissal, one of the boxes that we're checking is essentially indexing it that way for you guys.

So, we're saying this was dismissed during a resolution hearing, or this was dismissed, you know, after mediation. So, theoretically, that -- or not theoretically, that data actually already is being captured, and that is what the quarterly reports are.

I did spend quite a bit of time actually going through the OAH data that's available, and it doesn't seem to correlate those directly to a school district or -- but that data is also being collected, because when you file the case, you're naming the parties.

So, I think this is more of a data correlation issue than creating additional new processes or requiring people to fill in new forms, the -- or my read of how the OAH website and the available data is working is that while you can't currently correlate -- okay, so this many cases were settled during Q1 of 2026 with the district or the parties, that that data does exist.

So, I think it's more of a getting the IT department or whoever is doing the data correlation to pin the settlements to the party's name versus creating new processes and new forms, I think, anyway. And like I said, I did spend quite a bit of time working on the information and actually created a huge Claude project on all of the decisions and databases.

So, the information is there; it's just we're not -- the OAH website processes don't currently pin it directly, but for -- so, but it is there, it's -- so, I don't know the need to add on an additional process at the end and create more forms is -- I mean, it's a possible solution, but I think the easier solution might be getting, you know, properly tagging the parties up front and making sure that that correlates downstream to the settlement data that's already being generated for what it's worth. I'm not a tech person. That's just the layman's --

DIVISION CHIEF CASTILLO:

Member Peitso.

MS. PEITSO:

Does OAH have the manpower to do that on the frontend?

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DIVISION CHIEF CASTILLO:

I would have to discuss with our operations staff that. We do keep -- as Member Simmons indicated, that we have data-keeping requirements pursuant to federal and state laws for every complaint that comes in, and that we report that data in our quarterly reports, and also reports to the state California Department of Education and to the federal government.

So, we do have data-reporting requirements, but what's publicly available, as Member Simmons indicated, is aggregate information that doesn't identify the student. We do have also a dashboard that does keep track of cases filed, and you can keep track of cases filed by school districts, but that doesn't have resolution information, and I always speak of resolution, not the resolution session, but just whatever happened to the case, we don't put on the dashboard any of that information.

So, it'll just say a case opened, and the number of cases for the different school districts by going back years, do that. And then, as Mr. Padron indicated, we do have a web calendar feature that you can search by school district any number of matters just to see what's open for them of school districts and when is the hearing set.

MS. PEITSO:

Right, but it doesn't show complaints that have settled.

DIVISION CHIEF CASTILLO:

Correct.

MS. PEITSO:

Okay.

DIVISION CHIEF CASTILLO:

Member Padron.

MR. PADRON:

Yes, let me lower my hand here. Yeah, I think I heard Ms. Peitso. In the actual issue here is that I think she added on that she wanted to know what the issues were, and if that's the case, Ms. Peitso, we would have to modify your question here, because the question only asks about settlements to the OAH website, which it narrows it quite a bit.

I'm sure there's a feature that they can add on, you know, possibly, you know, after Judge Castillo takes a look at the internal mechanisms, but I think if you want to know -- if part of the information that you're trying to find out is whether -- what are the issues they're settling on, we would have to add that language to this question. So, if you can kind of please clarify as well.

DIVISION CHIEF CASTILLO:

And we'll have opportunity after the public comment when asked for this, the proposed recommendation to reframe this based on all of the discussion. So, this is not for us to consider. It's not set in stone as currently written. It can be reframed based on all of the discussion the members have, and also based on information provided by the members of the public after we take public comment.

Member Miller?

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MS. MILLER:

So, I'm thinking back to her question. I'm thinking it's more making it available and transparent to parents. It's obviously available to everyone else if they want to do their research, but it's making it transparent so the parent can easily locate this information.

I'm not sure if that's what she meant, or if that was what she said, but I'm asking that question now.

DIVISION CHIEF CASTILLO:

Member Peitso.

MS. PEITSO:

I think easily accessible to everyone, and I think, you know, it would also be good information for school districts' attorneys to have, because school districts frequently change attorneys, and it -- like I said, it shows a pattern of behavior, and districts aren't always transparent about that.

And so, yes, I would like my request to include listing the issues that were filed on for due process. Thank you, Mr. Padron, for bringing that up.

DIVISION CHIEF CASTILLO:

Any other comments or questions from the committee members? To members of the public, any comments or questions regarding this agenda item? If you could please raise your hand. Seeing none, do we have any e-mail comments?

UNKNOWN SPEAKER:

We don't have any written comments.

DIVISION CHIEF CASTILLO:

Going back to Ms. -- Member Peitso. So, how would you like to -- communicated you'd like to reframe the recommendation. How would you like to reframe it?

MS. PEITSO:

That OAH post settlement information regarding due process complaints that have been filed and settled that includes the issues that were filed on.

DIVISION CHIEF CASTILLO:

Judge Yazigi?

JUDGE YAZIGI:

I am here. What I have is recommendation to add redacted student information regarding due process complaint settlements to the OAH website, comma, that include the issues of the complaint. Have I captured that correctly?

MS. PEITSO:

Yeah, that include the issues of the complaint and the school district and the school.

JUDGE YAZIGI:

Okay, so there's more. So, I have adding redacted student information regarding due process complaint settlements to the OAH website, including the issues of the complaint, the school district, and the school.

MS. PEITSO:

Yes, I think that covers it, but I see that Mr. Padron has a hand up.

DIVISION CHIEF CASTILLO:

Well, I have to ask first if there's a second for this, and we can have discussion on that. Is there a second for Member Peitso's recommendation for OAH to consider?

MR. PADRON:

I will second it.

DIVISION CHIEF CASTILLO:

Okay, we do have a second. (Inaudible) do we have any -- Mr. Padron, Member Padron, do you have any comments on the -- this proposed recommendation as restated?

MR. PADRON:

Yes. I would like to give a little bit more clarification, because we want to get it to the point where OAH doesn't shut it down because there's language there that is not possible to provide. So, please, Ms. Peitso, if you could clarify, or any of the members.

When it says adding redacted student information regarding due process complaint settlements to OAH website, can you -- can we clarify? I wouldn't vote for adding redacted student information to anything, because student information is already private. And so, you're not asking for there to be -- the public to know the student information, because it says adding redacted student information.

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So, can we clarify that part, because the way it was -- the way it was reframed, it kept that part, but can you clarify a little more, Ms. Peitso, so that we don't get it stuck here where it's a automatic shutdown, because I'm not sure if they're going to allow redacted student information to be given to the public, so please (inaudible).

MS. PEITSO:

Absolutely. And I think you could take out the words "redacted student information", because that's not really what this is about. It's more --

MR. PADRON:

Right.

MS. PEITSO:

-- the transparency of the issues that are filed on and the school district and the schools.

MR. PADRON:

Yeah, can you reframe it in any way or maybe --

MS. PEITSO:

Yes.

MR. PADRON:

-- the attorney, Claire, can. I mean the judge.

MS. PEITSO:

Yeah.

JUDGE YAZIGI:

I'm here. I've been keeping up with the conversation. So, what I could say is, adding information regarding due process complaint settlements to the OAH website that include the issues of the complaint, the school district, and the school, comma, with student information redacted. I don't know if you want that last part.

MS. PEITSO:

I think you can leave the last part off, because I mean, I'm trying to think. If you list the issues, is there any actual student information in there? I mean, if there is, it definitely should be redacted, so I guess go ahead and --

DIVISION CHIEF CASTILLO:

(Inaudible) for another report that we'd provide to CD, we do keep an aggregate, so we do have a report that says of our five-thousand cases, X were because of autism, X because of deaf and hard of hearing, Y because of other health impaired. So, we do keep aggregate numbers of --

MS. PEITSO:

Right, but I think it's important, for transparency, to show which districts and which schools those numbers are attributed to. So, I think Judge Yazigi -- can you read back the way that you rephrased it just now?

JUDGE YAZIGI:

Sure. A recommendation to add information regarding due process complaint settlements to the OAH website that include the issues of the complaint, the school district, and the school, with student information redacted. And I could either strike that last part or keep it in.

MS. PEITSO:

I think, to air on the side of caution, keep it in; although, I don't imagine that there would be any student information in the issues that were filed on and naming the school and the district.

I mean, go ahead and leave it off, because I think that you would have to redact it anyways, wouldn't you?

DIVISION CHIEF CASTILLO:

We're required under the Federal Education Records Act not to put any identifying information.

MS. PEITSO:

Okay, then go ahead and take it off. It seems redundant.

JUDGE YAZIGI:

Okay. So, now it's just a recommendation to add information regarding due process complaint settlements to the OAH website that include the issues of the complaint, the school district, and the school.

MS. PEITSO:

Yeah, that sounds good.

DIVISION CHIEF CASTILLO:

Is there a second to this revised agenda item?

MR. PADRON:

I will continue to second.

DIVISION CHIEF CASTILLO:

Okay. Member Olsen, you have your hand up.

MS. OLSEN:

Yes, I just wanted to clarify why -- what the purpose of adding the school to the request is, because my concern is that students are familiar with each other at schools, and I feel like it could endanger knowledge of the student being the student.

If you identify the school and the issues in the complaint, it seems to, for me, risk somebody knowing who that student is, and I don't know why it's necessary to name the school. So, I just wanted some clarification on that.

DIVISION CHIEF CASTILLO:

Member Peitso?

MS. PEITSO:

Again, it shows a pattern of behavior, whether it's administration or a specific teacher or whatever, but I think it's important to list the school.

DIVISION CHIEF CASTILLO:

Member Mosqueda.

MR. MOSQUEDA:

I would also have a concern with naming the school, because it is -- points to a particular school. But I had a question, Your Honor. Are the school districts obligated to share settlement agreements to the state? Like, do they have their own -- if they make a settlement agreement, do they have to turn it into the education department? We settled on some private matter or --

DIVISION CHIEF CASTILLO:

I don't know the -- I don't know the answer to that one want or the other of what -- when a matter settles, what a school district has to report to the California Department of Education.

MR. MOSQUEDA:

Okay, thank you. I know when there's a board meeting, you can see that there was some settlement agreement or something, so I'm just wondering if that information is gathered elsewhere by the district itself that the state pulls together separately. So, I'm just sharing that.

DIVISION CHIEF CASTILLO:

Member Miller.

MS. MILLER:

So, I'm just full of questions today. My next question, and kind of on the same thing is, would you break down other health impairment so that you get the data out of that, because there's a lot under that title.

DIVISION CHIEF CASTILLO:

Under what --

MS. MILLER:

Oh, other health impairment.

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DIVISION CHIEF CASTILLO:

Under other health impairment, that's in the regulations that the California Department of Education has promulgated. That's what we report, just other health impairment, and not listing -- would it be attention deficit disorder or any other --

MS. MILLER:

Or dyslexia.

DIVISION CHIEF CASTILLO:

Yeah, dyslexia, or any other disability that leads to that, similar to specific learning disability --

MS. MILLER:

Right.

DIVISION CHIEF CASTILLO:

-- we'll just list specific learning disability as the issue and not whether or not it's a math deficit or a reading deficit or et cetera that led to the school district and parents finding the child eligible under that category.

Member Simmons?

MS. SIMMONS:

Thank you, Your Honor. So, if you wanted to capture -- what I'm hearing is the -- that there's a desire to capture the legal issue. So, we file a due process as a student attorney, we file a due process complaint, and we say the district, you know,

failed to provide, you know, a Free and Appropriate Public Education by not, you know, monitoring present levels of performance, or whatever the legal issues are that are presented in the due process complaint.

If you wanted to try and aggregate and analyze that information, you would have to -- because different lawyers -- or different -- yeah, different lawyers word those quite differently, and it would be virtually impossible for systems to accurately -- or I mean, you could do it, but it would be a massive amount of computing power.

So, if you really wanted to report issue -- like, due process complaints have been filed against this district with these issues this number of times and they settled, you would have to break the legal issue down into, like, almost like a checkbox, so when you file, it includes that you filed on a Child Find issue, or you filed on an IEP adequate goals issue, or you filed on a predetermination issue.

And it would have to be -- again, because otherwise, you're going to have to have a system that can read every due process complaint filed, which is a lot, and be able to be smart enough to analyze those due process complaints and pull out what the legal issues are. That gets into -- that's some serious computing.

You'd have a hard time doing that. So, if people -- if the Committee is serious about capturing what issues are being filed on in due process complaints against which district, and are they settling or is it going all the way to hearing, you would have to significantly break down the legal issues pretty much to a checkbox format; otherwise, it would be -- it would be a very, very cumbersome computing task.

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Again, that's not necessarily a horrible thing. I think sometimes -- I mean, when I try to -- I know that there's the search feature where you can go in and search a word, but if you were to really try and aggregate out or combine which issues are being filed on, it would have to breakdown the issues to essentially a checklist; otherwise, it's just -- it's -- it would be -- it would be too much data mining to do.

So, when we consider this and if it's doable, you know, even just moving forward, it would have to calculate the fact that we're -- you know, I -- the quarterly data tells exactly how many due process complaints are filed.

Some of those are 50 pages long, and you know, being able to go through and parse out the different language that different lawyers used to present different issues would be a challenge. So, again, I don't actually do IT. I just like analyzing things. But if this is something that people are serious about doing, you would have to have, like, essentially a checklist that goes in with the due process complaint identifying these are the issues that we're filing on. So, just to throw that out there.

DIVISION CHIEF CASTILLO:

Member Olsen?

MS. OLSEN:

So, I guess I'm failing -- I'd like kind of clarification as to how this aligns with the purpose of OAH and why this expectation would be asked of OAH when I think they have data reporting requirements under state and federal law that they abide with.

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

This seems to be information -- I mean, I love data, too. I like -- it's very interesting, but I'm not sure how this information is relevant to what the purpose of OAH is, which is to resolve disputes between parents and districts regarding special education related services of their children. So, if -- to me, it just seems like it's really not relevant to what OAH does.

DIVISION CHIEF CASTILLO:

Member Fajardo.

MS. FAJARDO:

I had another question for Ms. Simmons, but to -- in response to you, Ms. Olsen, I think it promotes transparency and access. I think that that is one of the major reasons why Ms. Peitso has made this recommendation.

And then to Ms. Simmons, so are you proposing, like, a checklist with the complaint, or is this something that we can add to a dismissal, just quick checkboxes? I know that attorneys write their issues differently, but I do also -- I've sat in on PHCs where judges are streamlining that process so the issue is really clear. Failed to Child Find during this school, failed to conduct assessment in this area during this school year.

And so, I don't think it's difficult. I think compiling the data, asking somebody at OAH to do that when it's filed, you're correct, but I think if -- when there's a dismissal filed, you -- the attorneys can just quick -- those checkboxes, it was a Child Find, assessments issue, predetermination issue, things like that, it could be streamlined, and just an extra step in the dismissal so we're not creating a whole separate form. It already exists with the data that's being collected at the time of dismissal.

MS. SIMMONS:

I actually wasn't proposing any solution; I was just saying that if you -- if the Committee decides that this is worth, you know -- and to answer Ms. Olsen's question, if we decide that this is something OAH should be doing and that there's, you know, purpose-driven motive for that, it -- in order to effectuate some type of solution to that, the issues would need to be simplified a great deal so that everybody's -- so that the data could line up at some capacity, because otherwise you'll have -- and like you said, yeah, the judges do -- you know, when you get down to the PHC statement, you are, you know, sort of narrowing things specifically.

But it would -- it would seem like it would involve some type of simplification of how the issues are framed or worded so that they're -- that they can line up and be grouped together. Again, I'm not making any recommendations. I'm just saying that if you -- if you're serious about data mining information, simple is better than complicated long-worded things that are hard for humans to understand, let alone data flows.

MS. FAJARDO:

Agreed.

DIVISION CHIEF CASTILLO:

Member Padron.

MR. PADRON:

Yes, a couple of things, putting things in where I like to put things in reference. And a couple of the speakers here, as well -- I'll start with Ms. Simmons. Yes, the last part that you referenced is that when it gets to a prehearing conference, a statement -- the statement and the prehearing conference, the judges do reword the issues, because we have a tendency, and particularly advocates -- I'm going to speak for myself.

We have a tendency to write it the way we see it, that we see the issues. And then it gets reframed, and everyone agrees to the reframing before the hearing starts or at the hearing, at the beginning, everyone agrees.

Something similar could happen, because if in the complaint portion of it, the issues are framed, you know, by attorneys or by the public or parents, and I believe that there could be an easier way than what you're suggesting, that there could be a way to frame that issue the way judges frame the issues. They have to abide by certain processes to frame it to -- for a legal type of an issue. So, that's one thing.

The other matter that -- and yes, we're serious, Ms. Simmons, because when -- once you get to this part of being on this committee, this is where things happen, where we can make some changes and we can make some -- so, yeah, we're very serious about the matter.

And the other -- to the other -- Ms. Olsen, is OAH's job and overall -- the overall work that they provide primarily is for parents, because parents are the ones that are -- have their children in special ed programs. Some parents have the ability to hire attorneys, so it is designed for parents mostly, but then also for attorneys.

And the more that OAH can provide a parent, because there's many parents that are non-attorney advocates, and they file on their own, they have to have a way to -- how to understand the processes for OAH. That's what this is. We're trying to -- we're trying to figure out how we can best provide the parents and attorneys a way of finding out in this matter, finding out where they're filing complaints, what are the issues, and is it being settled?

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

We already have a mechanism for it's being settled with a signature page, but we're not -- we're not privy to understanding what are the issues. And I agree, it doesn't have to be by a school, a particular school, but the district (inaudible) mentioned the district, and I think that's the information that is important.

So, in a nutshell, what I'm trying to say is that there are ways that OAH can possibly track this. We're on the experts in OAH, and we can form the recommendation the best to our ability, but then, you know, we'll get a response, and we'll find out maybe we need to modify this recommendation.

But yes, overall, I believe that it's an important thing that OAH can provide here, is some type of mechanism to where parents can begin to understand a little bit more about who they're dealing with as well at the school district level. Thank you.

DIVISION CHIEF CASTILLO:

Member Snowden.

MS. SNOWDEN:

Okay, just so I'm understanding, you're asking OAH to create a form for attorneys to file when we request dismissal saying we settled our case with X district, and the issues were -- like, and have a check the box, eligibility, you know, failure to provide adequate speech and language.

I mean, is that -- is that what you're asking us as attorneys to do, or are you asking OAH to glean from our due process complaints what the issues -- I guess I'm just not understanding who's doing what. I'm not opposed to the -- to the information being out there for parents to know who -- what school district is getting sued and

settling. I just want to better understand who's doing what and how we would go about it, because I personally -- representing families, we don't have a lot of time to be, you know, filing dismissals with, like, extensive information.

So, I just want to put that out there, I guess asking, again, who's doing what?

DIVISION CHIEF CASTILLO:

Member Peitso.

MS. PEITSO:

I think probably the simplest way is to have the attorney or the parent who files for dismissal just fill out a checklist form and not go into, you know, great detail about it, but like you said, the District, and these are the issues, and check the boxes, and maybe have a box for other, because there are those different circumstances that arise.

But I think that that's probably the easiest and simplest way. I know that we all are limited on time, but you know, it -- if it takes an extra two, three minutes when you're filling out the request for dismissal, it shouldn't be that laborious.

DIVISION CHIEF CASTILLO:

Member Fajardo.

MS. FAJARDO:

So, as a paralegal, I am the one who fills out those dismissal forms for the cases that I work with, and I wouldn't mind checking a box. Like I said, simplification, I'm all for simplification, like Member Simmons says. Child Find, assessments, it doesn't have

to go failure to provide speech; it could just be very general. Assessments, you know, Child Find, predetermination, placement, some things like, you know, inappropriate IEP, something like that, goals.

Something very general -- you know, very general, all leading up -- you know, so that there -- it doesn't have to be that detailed, so it could be time saving.

DIVISION CHIEF CASTILLO:

Member Miller.

MS. MILLER:

Maybe it could be a separate thing all together where it's just a quick survey under -- you know, even under a minute. There's lots of attorneys on here that could, like, you know, put on what's the most important, or how we -- how are we going to get the information by, you know, what boxes to check? Just an idea.

DIVISION CHIEF CASTILLO:

Member Simmons.

MS. SIMMONS:

So, I just wanted to say, when I said if you're serious about doing it, I didn't mean, like, if you -- what I meant was that sometimes you can really want to do something, and if, you know, the data or the manpower or -- you know, isn't there, then it's not going to get done regardless, so that was more what I was saying, that if we are going to try and track filings and keep track of, you know, what issues were in the filing, that in order to do that, it will have to be simplified in terms of -- in terms of the -- how the issues are presented, and I think there's -- you know, I don't know the right solution of that. That's what this whole group is for.

But I think, you know, what we're finding is that in order to catalogue and data mine due process complaints at an issue level, we'll have to -- you know, whether it's a checklist, a closing checklist at the end, or a supplementary survey, or a cover sheet, or that there will have to be some mechanism for, you know, simplifying the issues down to, you know, pretty basic issue level so that they can be correlated and tracked.

That was what I meant, Mr. Padron, not are you serious about doing it? It was, even if we decide to do it, if it's technically impossible, if we're saying, you know, we're going to have every single due process complaint, you know, data mined for individual issues, it just won't happen.

So, if the goal is to get data mining based on issues, then the issues will have to be simplified someplace along the lines. That's more what I was saying, so I just wanted to clarify that.

DIVISION CHIEF CASTILLO:

Member Snowden.

MS. SNOWDEN:

Okay, so the proposal is to, like, maybe amend the request for dismissal form on OAH to include the school district, the -- how it settled, and the issues that were raised in the due process complaint. Was that what we're asking?

I don't use the request for dismissal form, by the way. I do -- I do it differently. I file a motion, a notice of dismissal, so -- and would it be mandatory for attorneys to -- or parents to submit that form?

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DIVISION CHIEF CASTILLO:

If any -- answer the question. If anything is mandatory, OAH or the California Department of Education would be required to have a regulation. So, if we were going to say we would not dismiss unless you do X, Y, and Z, it would have to be a regulation or a statute, or the -- that is why, when you look at our forms, they all say optional.

Member Peitso, based on the comments here, would you like to keep your proposed recommendation as is or modify it? And if any other member would have a proposed recommendation, we can also include that in the vote and for OAH to consider. So, Member Peitso?

MS. PEITSO:

I think keep it as is for now.

DIVISION CHIEF CASTILLO:

Any other member would like to have a proposed recommendation based on this agenda item for OAH -- for the -- to vote on and for OAH to consider?

Seeing none, any public comments from the public attending today's meeting? Okay. If you could go to the microphone over there.

MS. NUNEZ:

Hi, I'm Megan Nunez. I'm a member of the public, and I -- I'm a special education attorney, and one of my concerns about this is the districts' position. Far be it for me to take the side of the district, but these are just allegations at the time that they're made in the complaint, and I think we might get some pushback.

UNKNOWN SPEAKER:

Judge Castillo, we're having trouble hearing Ms. Nunez.

MS. NUNEZ:

Oh.

DIVISION CHIEF CASTILLO:

Oh, she should be on my channel.

MS. NUNEZ:

Oh, is it maybe -- do I hit this?

DIVISION CHIEF CASTILLO:

Can you hear me?

UNKNOWN SPEAKER:

Yes, we can hear you.

DIVISION CHIEF CASTILLO:

You should be able to hear her. She's in the room.

UNKNOWN SPEAKER:

We were able to hear her, and then she faded out.

MS. NUNEZ:

Is this better?

UNKNOWN SPEAKER:

That's better.

MS. NUNEZ:

Maybe I need to be really flat. Okay, so what I was saying is I do anticipate that the district will have -- just attorneys for the districts will have concerns about this, because these are allegations, right? Nobody's proven these at the time of settlement, and so I -- my -- I do have a little bit of a concern about how this might affect even settlement agreements (inaudible) --

UNKNOWN SPEAKER:

Judge Castillo, I'm sorry, maybe if you're a little bit further away, Ms. Nunez --

DIVISION CHIEF CASTILLO:

She's right on top of the mic.

UNKNOWN SPEAKER:

That's better.

UNKNOWN SPEAKER:

I think right there. Maybe not too close. I think when you get closer, it starts fading away.

MS. NUNEZ:

Oh, is this good?

UNKNOWN SPEAKER:

Let me see. Can you talk again? I'm sorry.

MS. NUNEZ:

How is this?

UNKNOWN SPEAKER:

Yeah, that's not working. Still not working.

DIVISION CHIEF CASTILLO:

It's the same mic that you can hear me on.

UNKNOWN SPEAKER:

Yeah, yeah, I could -- yeah, I could hear you fine, so maybe it's the -- how close it is.

MS. NUNEZ:

How's this?

UNKNOWN SPEAKER:

No. I don't know why I can't hear her. We still can't hear her.

UNKNOWN SPEAKER:

(Inaudible).

DIVISION CHIEF CASTILLO:

I don't know what's up, because -- same mic that I'm on.

UNKNOWN SPEAKER:

Yeah, and we can hear you clearly. Maybe from there, if you try to speak.

MS. NUNEZ:

(Inaudible) this. No?

UNKNOWN SPEAKER:

It comes in and out.

UNKNOWN SPEAKER:

It could be your voice.

MS. NUNEZ:

I need to be more bearish? I don't know. Do you want to make -- I think you know what I was going to say, if you want to try.

MR. FUEDES:

Peter Fuedes (phonetic). I --

MS. NUNEZ:

You can hear him?

MR. FUEDES:

-- you can hear me?

UNKNOWN SPEAKER:

Yes, yes, we can hear you fine.

MS. NUNEZ:

(Inaudible).

MR. FUEDES:

Must be the bearish (inaudible). I think what Ms. Nunez was trying to get to here was the point that these issues -- unlike the issues that go all the way through a hearing that get decided by an ALJ, these are issues that get settled with the district.

I won't speak --

UNKNOWN SPEAKER:

Go ahead.

MR. FUEDES:

-- I won't speak for all settlement agreements, but a lot of these settlement agreements have no admission clauses. So, the value of having all of this information and putting in all of this work, the district may push back, and it may have a chilling effect on some of these settlement agreements.

So, just putting that out there in terms of the chilling effect, the -- I also have a confusion over the issues. Are we checking a box when these are very individualized issues for individual kids, or are we copying and pasting issues that we wrote in our complaints onto the dismissal?

These are just some of the concerns that have popped up in our heads throughout this discussion. Did I get --

MS. NUNEZ:

Yeah, that was what I was concerned about. Thank you.

DIVISION CHIEF CASTILLO:

Yeah, and I'm sorry for --

UNKNOWN SPEAKER:

We can -- we can hear you fine from that location, Ms. Nunez.

MS. NUNEZ:

Me?

UNKNOWN SPEAKER:

Yes, Ms. Nunez, we could hear you from there. Maybe it was --

UNKNOWN SPEAKER:

(Inaudible).

MS. NUNEZ:

Ah, okay.

DIVISION CHIEF CASTILLO:

I've also changed the setting on the microphone, too.

MS. NUNEZ:

Okay.

DIVISION CHIEF CASTILLO:

Is there anything further, Ms. Nunez, you'd like to add?

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MS. NUNEZ:

Well, yeah, just only that I think if we were to do something like this, there would have to be some sort of statement that these were just allegations brought. They weren't heard by a judge, they weren't decided upon, nobody's agreed that they're, you know, that they're true.

Obviously, we only put them at complaints if we believe that they're true, but I do worry a little bit about, you know, what Mr. Fuedes was articulating.

DIVISION CHIEF CASTILLO:

Are there any other comments from members of the public? Any e-mails?

UNKNOWN SPEAKER:

There are no written comments.

DIVISION CHIEF CASTILLO:

Okay. Member Peitso, you had your hand up.

MS. PEITSO:

Yes. Am I allowed to comment on her comment?

DIVISION CHIEF CASTILLO:

You can comment.

MS. PEITSO:

Okay. I think, you know, the information that is in the complaints when they're filed is used in the aggregate numbers that are sent to the federal and the state for reporting, so I don't see why they can't be also used for this.

And with regards to checking a box on individual, individualized information regarding settlements, I mean, we do that in IEPs every day, so I don't see why that would be a problem.

DIVISION CHIEF CASTILLO:

Okay. With that, we will take a vote on the proposed recommendation. I'll ask Judge Yazigi to repeat the proposed recommendation, then I will do a roll call of the members.

JUDGE YAZIGI:

Thank you. Just a reminder for the group, this hasn't been changed since the last iteration, so let me know, Member Peitso, if I've captured it correctly.

The recommendation is to add information regarding due process complaint settlements to the OAH website that include the issues of the complaint, the school district, and the school.

MS. PEITSO:

I think you can leave the school off.

JUDGE YAZIGI:

Okay.

DIVISION CHIEF CASTILLO:

Can you repeat that one more time with the school off, Judge Yazigi?

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

JUDGE YAZIGI:

Sure. To add information regarding the due process complaint settlements to the OAH website that include the issues of the complaint and the school district.

DIVISION CHIEF CASTILLO:

Okay. I will now take the members' votes. Member Padron?

MR. PADRON:

Yes.

DIVISION CHIEF CASTILLO:

Member Molina?

MR. MOLINA:

Yes.

DIVISION CHIEF CASTILLO:

Member Mosqueda?

MR. MOSQUEDA:

No.

DIVISION CHIEF CASTILLO:

Member Fajardo?

MS. FAJARDO:

Yes.

DIVISION CHIEF CASTILLO:

Member Peitso?

MS. PEITSO:

Yes.

DIVISION CHIEF CASTILLO:

Member Olsen?

MS. OLSEN:

No.

DIVISION CHIEF CASTILLO:

For Southern California, Member Simmons?

MS. SIMMONS:

Yes.

DIVISION CHIEF CASTILLO:

Excuse me. Member Knowles?

MS. KNOWLES:

Yes.

DIVISION CHIEF CASTILLO:

Excuse me again. Member Burke?

MR. BURKE:

No.

DIVISION CHIEF CASTILLO:

Member Miller?

MS. MILLER:

Yes.

DIVISION CHIEF CASTILLO:

Member Veniez?

MS. VENIEZ:

Yes.

DIVISION CHIEF CASTILLO:

Member Snowden?

MS. SNOWDEN:

No.

DIVISION CHIEF CASTILLO:

For both Southern California and Northern California, the vote was four affirmative and two negative, so this proposed recommendation has passed both the Southern and Northern California committees, and the Office of Administrative Hearings will respond to the proposed recommendation.

Now, this is a time for public comment for members of -- individuals desiring to speak on any topic otherwise not in the agenda for members of the public. There are -- is a 30-minute time period for each comment, so if any members of the public would like to make a public comment on any topic, if you could please raise your hand, and you'll be invited into the meeting to give your comment.

Seeing no video conference person, Ms. Nunez?

MS. NUNEZ:

Okay, let's try this again. Can you hear me? Yeah, okay.

UNKNOWN SPEAKER:

Loud and clear this time.

MS. NUNEZ:

Wonderful.

DIVISION CHIEF CASTILLO:

I think I -- I think I had the settings --

MS. NUNEZ: OH.

DIVISION CHIEF CASTILLO:

-- (inaudible) personal, not group.

MS. NUNEZ:

Got it. Okay, well, thanks. Yeah, it's something I just wanted to bring up, and I'm not sure how many people are aware of it, but we've had two instances in the past, you know, not often, but in the past three years where people who have acted as our mediators have also been assigned as judges.

And one of the times, it was technically a different case. We withdrew because two of my attorneys went on medical leave, but we filed the exact same substantive case shortly thereafter, and the judge who had attended the mediation was our prehearing conference judge, and offered to allow us to use a preemptory challenge, which we didn't feel comfortable doing, but didn't recuse herself and went on to hear the case.

And then we had another one more recently where the judge was actually the same judge who had attended mediation, was the prehearing conference judge, and said, well, I don't remember, and that case settled, didn't proceed to hearing, but it's a -- it's a problem, in my opinion, because over the years I've done this, I've always had mediators say I will not be your judge, and still, most mediators do say that at the start of mediation, and I've always told my clients you can speak freely in front of the mediator. This person will not be your judge.

And now, since this is -- this happened the second time, I'm not able to tell my clients that, and I do think it has a chilling effect on how effective the mediators can be. So, I just wanted to make that known, and you know, if I'm allowed to make a request, just it would be that the mediators not be assigned as the judges in cases that are substantively similar or identical to the ones they've mediated.

DIVISION CHIEF CASTILLO:

Okay. Are there any other comments from members of the public? Do we have any e-mail public comments?

UNKNOWN SPEAKER:

Judge Castillo, we have two comments from the previous Advisory Committee, and they're the only two written comments. For the first one, it's "Can the purpose of this meeting be explaining along with the parameters?"

And then the second public comment is, "Specifically, we would want OAH to host a comprehensive tips and tricks training, either live or prerecorded, that is available to be accessed by attorneys on both sides and possibly by self-represented parents.

An ideal world, there would be a sample evidence packet available on CaseLines that everyone has access to and can use to try the tricks as they demonstrated by the trainer."

And that is the last public comment.

DIVISION CHIEF CASTILLO:

Okay. I'd like to thank members of the Committee for your attendance today and your participation. Also, members of the public for your attendance, and thank you very much. And with that, this Special Education Advisory Committee meeting is closed, and we will see you all in October. Thank you very much.

- ADVISORY COMMITTEE MEETING CONCLUDED -

CERTIFICATE OF TRANSCRIPT

I, Nicholas Shupe, hereby certify that this transcript is a true, complete, and accurate transcription of the recording of the Special Education Advisory Committee meeting that took place on June 19, 2026, 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 30th day of June, 2026.

A handwritten signature in cursive script that reads "Nicholas Shupe".

Figure 1 Signature of Nicholas Shupe

Nicholas Shupe
Transcriber
Northern California Court Reporters