

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
SPECIAL EDUCATION DIVISION
STATE OF CALIFORNIA

ORDER SETTING VIDEOCONFERENCE MEDIATION
PROCEDURES

DECEMBER 12, 2022

All special education mediations scheduled with the Office of Administrative Hearings, called OAH, occur via videoconference. Full-day and half-day morning mediations begin at 9 AM and half-day afternoon mediations begin at 1:30 PM. Please review this outline of the process to participate in the videoconference mediation:

1. The filing party shall have ready at the mediation a detailed, opening settlement proposal containing each element of their proposed settlement, the cost, proposed vendors or placement locations, if possible, and any other details necessary to start a meaningful settlement discussion. The filing party will be permitted to ask questions if answers are needed before a proposal can be made. This will be done orally. The mediator will not share any settlement proposal with the parties without a party's permission. **Do not file this proposal with OAH.**
2. The mediation starts with testing the technology to make sure it is working properly. The Mediator will discuss confidentiality agreements that apply

to settlement offers and counter offers with the parties and the parties must agree before the mediation negotiations begin. All parties must be present for those discussions to proceed.

3. OAH is using the Zoom application to host mediations. Zoom can be used for both video and telephonic conferencing. The parties will not have to purchase any software to participate. If a party has not previously used Zoom, informative instructions are available on [Zoom's support site](https://support.zoom.us/hc/en-us/categories/200101697) at <https://support.zoom.us/hc/en-us/categories/200101697> or [instructional videos](https://learn-zoom.us/show-me) at <https://learn-zoom.us/show-me>. Participants may have trouble joining the Mediation if they do not have the most updated version of Zoom. For instructions on identifying your version of Zoom, and for [updating to the most current version of Zoom](https://support.zoom.us/hc/en-us/articles/201362233), please visit the following webpage at <https://support.zoom.us/hc/en-us/articles/201362233>.
 - a. Please provide OAH with the email addresses for the individuals participating in the mediation in the mediation request. If a party has to participate in the mediation by telephone or if there are updated or new participant email addresses, the party shall provide that information to OAH in writing using the Secure e-File Transfer (SFT) system. A self-represented party may call the case manager at 916-263-0880 if they do not have access to the SFT system.
 - b. OAH will schedule the meeting via Zoom and mediation participants will receive an invitation by email.
 - c. At the scheduled time of the mediation, click on "Join Zoom Meeting" to join the mediation. If a participant does not have the Zoom application on their computer or device, a webpage will open

in an internet browser inviting you to download the application. However, participants are not required to download the Zoom application to join a Zoom meeting. Zoom meetings may also be accessed using an internet browser:

- i. Click on the "Join Zoom Meeting", or the meeting URL provided in the email invitation.
 - ii. A webpage will open in an internet browser, then the participant will select "Join from Your Browser" towards the bottom of the webpage.
 - iii. The participant will be prompted to enter their name and can join the meeting by clicking on the blue "Join" button.
 - d. Participants will be asked to wait until the Mediator admits them into the meeting.
 - e. If a participant chooses to download the Zoom application, they will click on the downloaded application to open the software and will be connected to the meeting. Participants will enter a screen name where indicated and will then click on the "Join" button. Participants will be asked to wait until the Mediator admits them into the meeting.
 - f. Private breakout rooms for each party will be created during the mediation.
4. If joining the mediation by telephone only, the case manager will contact the party to provide the call-in numbers and the Meeting ID number to join the mediation.

5. At the scheduled time of your mediation, the call-in participant will call the number provided by their case manager. The participant will hear a welcome message and be instructed to enter the Meeting ID number, following the pound or hashtag symbol (#). The call-in participant will be prompted to enter a participant ID number if available. If no participant ID number is provided, simply press the pound or hashtag symbol to proceed. The participant will join the meeting and be placed in the waiting room until the Mediator admits them into the meeting. The same confidentiality rules will apply to telephonic or video conference mediations that apply to in-person mediations. There will be no video or audio recording of any mediation processes under any circumstances. The parties may not copy documents by any means, including by cell phone photograph, without the express permission of all parties to the mediation. The Mediator will go over the rules of confidentiality before the beginning of the mediations discussions.
6. OAH will continue to provide interpreters if requested by the parties.
7. The meeting invitations are intended for the sole purpose of connecting parties to the mediation at the scheduled time. Do not reply to any invitation emails, simply use the links to join the meetings. If you need to communicate any information regarding your case, please contact your case manager or by using the Secure e-File Transfer system, including if you cannot participate in the mediation.
8. Please provide the case manager with the contact information of additional persons that parties feel should be involved in the mediation. The case manager will provide the Mediator with the contact information

to include the additional persons in the email invitation. The meeting invitations should only be forwarded by representatives to their clients or to other necessary parties as needed.

IT IS SO ORDERED.

PETER PAUL CASTILLO

Division Chief Administrative Law Judge

Office of Administrative Hearings, Special Education Division