

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

ORDER SETTING TELEPHONIC AND VIDEO MEDIATION
PROCEDURES

MARCH 26, 2020

All special education mediations scheduled with the Office of Administrative Hearings through April 30, 2020 will now occur via telephone or video. Mediations that were previously scheduled for 9:30am will now begin at 9am and mediations that were previously scheduled for 1:30pm will now begin at 1pm. Please review this outline of the process to participate in the telephone or video mediation:

1. The filing party shall provide the mediator at the mediation a detailed, opening settlement proposal containing each element of your proposed settlement, the cost, proposed vendors or placement locations, if possible, and any other details necessary to start a meaningful settlement discussion. You can also include questions, if the answers are needed before a proposal can be made. This can be done orally. The mediator will not share the settlement proposal to the other side(s) until discussing it with you first. Do not file this proposal with OAH.

2. The mediation starts with a pre-session where technology is tested to make sure it is working properly. Confidentiality agreements about settlement offers and counter offers will be discussed and agreements reached before the mediation starts. All parties must be present for those discussions to proceed.

3. The Office of Administrative Hearings is using the Microsoft Teams (MS Teams) software to host mediations in the coming weeks. MS Teams can be used for both video and telephonic conferencing. You will not have to purchase any software to participate. If you have not previously used the MS Teams platform, there are informative videos available like the one at this link from Microsoft: <https://support.office.com/en-us/article/join-a-teams-meeting-078e9868-f1aa-4414-8bb9-ee88e9236ee4>, to help familiarize yourself with the technology.

- a. Please provide OAH with any updated or changed email addresses and direct telephone numbers for the attorney and all clients participating in the mediation, no later than 24 hours prior to the scheduled mediation. You may do this by calling your case manager, calling OAH at 916-263-0880 or using the Secure e-File Transfer (SFT) system.
- b. If joining the mediation by computer, the Mediator will schedule the meeting, and the participants will receive an invitation via email. The meeting invitations sent to parties will be: 1) Mediation – this will be the “joint” room that all parties and mediator will be able to meet together, 2) Caucus Rooms – these will be the private meeting rooms for parties and their representatives to meet with or without the Mediator through the course of the mediation; each party will receive an invite to their own private caucus meeting in addition to the Mediation meeting. There may be instances when the Caucus Rooms invitations are not sent to the parties until all parties have joined the Mediation Meeting.

- i. At the scheduled time of the mediation, click on “Join Microsoft Teams Meeting” for the Mediation Meeting. You will join the main mediation meeting first and the mediator will work to ensure that all parties can then access and move between the Mediation Meeting and their own caucus meeting. If you have not downloaded the MS Teams application in the past, a new screen will open in your browser inviting you to do so. Once the software has been downloaded, click on the downloaded item to open the software. This will automatically connect you to the meeting. Enter your first and last name where indicated. You will see a message informing you that you will be allowed to enter the meeting shortly. The Mediator will open the meeting to you.
 - ii. A similar process will be used to open a separate caucus meeting for each side. Each mediation participant will be required to accept two meeting invitations for each mediation. The Mediator will be using the computer software to move from joint session to individual discussions in caucus meetings.
- c. If joining the meeting by telephone only, your case manager will be contacting you to provide the call-in numbers and Conference IDs you will need for your mediation. You will receive information for the joint Mediation Meeting as well as for any private caucus meetings to be used.

- i. At the scheduled time of your mediation, you will call in to the Mediation Meeting first. Upon calling the number, you will hear a welcome message and be instructed to enter the Conference ID number, followed by pound (#). You will then be prompted to record your name, then press pound again. Your recorded name will be played when you join the meeting to alert others that you have joined. The Mediator will work with the parties to determine the most efficient means of connecting for caucuses by telephone.
- d. The same confidentiality rules will apply to telephonic or video conferenced 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 prior to the beginning of the mediated discussions.
- e. OAH will continue to provide interpreters if requested by the parties.
- f. 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, including if you cannot participate in the mediation.

- g. If you feel additional parties or persons should be involved in the mediation, please contact your case manager with that information so that it may be provided to the Mediator when setting up the mediation. The meeting invitations should not be forwarded to other parties unless instructed to do so.

IT IS SO ORDERED.

DocuSigned by:
Margaret Gibson
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Margaret Gibson

Division Chief Administrative Law Judge, SE

Office of Administrative Hearings