

**OFFICE OF ADMINISTRATIVE HEARINGS
DEPARTMENT OF GENERAL SERVICES – STATE OF CALIFORNIA**

SPECIAL EDUCATION DIVISION

AMENDED QUARTERLY DATA REPORT

FIRST QUARTER 2020 – 2021 FISCAL YEAR

JULY 1, 2020 THROUGH SEPTEMBER 30, 2020

The Interagency Agreement, referred to as the "IA", between the California Department of Education and the Office of Administrative Hearings, referred to as "OAH," requires OAH to report on a quarterly basis, certain information. The information included in this report is related to mediations and hearings, as well as information required by state and federal law. Where specific information in this report is identified by reference to a "task", the "task" refers to a section of the IA by section, paragraph, and subdivision of exhibit A of the IA. The information contained in this report for the relative quarter of fiscal year 2020-2021 reflects the current data as of February 2021. This report is amended to reflect corrected figures for the number of mediations held and agreements reached during this quarter, as well as the correct task number for mediation data according to the current IA.

This report organizes the information in the following categories:

- Case Filings
- Closed Cases
- Due Process Hearings
- Resolution Sessions
- Mediations
- Expedited Hearings

CASE FILINGS

The data in these tables is required under Task 4.3 (b)(1). Additional detail and breakdown is provided to aid in understanding the case filing activity during the relevant quarter.

TYPES OF CASES FILED BY DISTRICTS

Type of Case Filed by District	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Year to Date
Request for Due Process Hearing with Mediation	38				38
Request for Due Process Hearing Only	1				1
Request for Due Process Hearing with Dual Issues	0				0
Request for Due Process Hearing with Expedited Issues	0				0
Request for Mediation Only	15				15
Total Filings by Districts	54				54

In the "Types of Cases Filed by District" table shown above, the numbers in the "Total Filings by Districts" row are the sum the numbers in the column above it. The numbers in the "Year to Date" column are the sum of the numbers in the row next to it.

TYPES OF CASES FILED ON BEHALF OF STUDENTS

Type of Case Filed on Behalf of Students	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Year to Date
Request for Due Process Hearing with Mediation	820				820
Request for Due Process Hearing Only	1				1
Request for Due Process Hearing with Dual Issues	9				9
Request for Due Process Hearing with Expedited Issues	2				2
Request for Mediation Only	13				13
Total Filings on Behalf of Students	845				845

In the “Types of Cases Filed on Behalf of Students” table shown above, the numbers in the “Total Filings on Behalf of Students” row are the sum of the numbers in the column above it and the numbers in the “Year to Date” column are the sum of the numbers in the row next to it.

TOTAL FILINGS

Total Filings	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Year to Date
Total Number of Cases Filed by District	54				54
Total Number of Cases Filed on Behalf of Students	845				845
Total Filings	899				899

In the “Total Filings” table shown above, the numbers in the “Total Filings” row are the sum of the numbers in the column above it and the numbers in the “Year to Date” column are the sum of the numbers in the row next to it.

CLOSED CASES

The data in these tables is required by Task 4.3(b)(3 and 10). There are times when a decision is issued on expedited issues and a hearing on the remaining issues may not occur during the quarter. This may happen if the parties may reach an agreement on the remaining issues, the party that filed the case may decide to withdraw the case, the hearing may be scheduled for a date after the quarter ends, or there may be another reason. When this happens the number of cases closed because a decision was issued may not be the same as the number of hearings held, which is reported later in this report. An explanation for the difference, when there is one, will be added to explain the difference.

There were three cases in the relevant quarter with decisions issued that were not closed due to decision issuance. In two of these cases, parties settled the remaining

issues outside mediation or resolution session. The remaining case remained open on the remaining issues beyond the end of the quarter.

REASON CASE WAS CLOSED

Reason Case Was Closed	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Year to Date
Decision Issued	30				30
Chose not to Participate in Mediation for a Mediation Only Case	8				8
Filing Party Failed to Amend a Complaint When Required	30				30
Inactivity	4				4
Motion to Dismiss was Granted	4				4
Parties Did Not Settle In a Mediation-Only Case	14				14
Parties Fully Settled at Mediation	117				117
Parties Settled During Resolution Session	11				11
Parties Settled But Not At Mediation or Resolution Session	759				759
Filing Party Withdrew Their Case	79				79
Other	0				0
Total Cases Closed	1,056				1,056

In the "Reason Case Was Closed" table shown above, the numbers in the "Total Cases Closed" row are the sum of the numbers in each column above and the numbers in the "Year to Date" column are the sum of the numbers in the row next to it.

DUE PROCESS HEARINGS

The data in these tables is required by Task 4.3(b)(4-9). This data includes expedited hearings among all other hearings. For information specific to only the expedited hearing requests, refer to the Expedited Hearing Requests section of this report. At the time of this report, there are 822 due process hearings pending.

DUE PROCESS HEARING DECISIONS

Timelines of Issued Decisions	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Year to Date
Issued within Timeline, including within Expedited Timeline	1				1
Issued within Extended Timeline	32				32
Issued after Timeline and Extension Expired	0				0
Total Number Decisions Issued	33				33

In the above table called "Due Process Hearing Decisions" the numbers in the row "Total Number of Decisions Issued" are the sum of the numbers in the column above and the numbers in the column "Year to Date" are the sum of the numbers in the row next to it.

RESOLUTION SESSIONS

The data in these tables is required by Task 4.3(b)(2).

RESOLUTIONS SESSION OUTCOMES AS REPORTED

Resolution Sessions Statuses	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Year to Date
Number of Resolution Sessions Reported as Held	167				167
Number of Resolution Sessions Reported as Waived with Intent to Use Mediation in Lieu Of	238				238
Number of Resolution Sessions Reported as Not Held or No Data was Reported	466				466

In the above table called "Resolution Session Outcomes as Reported" the numbers in the column "Year to Date" are the sum of the numbers in the row next to it.

MEDIATIONS

The data in these tables is required by Task 4.3(a)(1 and 5-9).

MEDIATION REQUESTS

Number of Mediation Requests	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Year to Date
Number of Mediation Requests Not Related to Hearings	28				28
Number of Mediation Requests Related to Hearings	869				869
Total Number of Mediation Requests	897				897

In the above table called "Mediation Requests" the numbers in the row "Total Number of Mediation Requests" are the sum of the numbers in the column above and the numbers in the column "Year to Date" are the sum of the numbers in the row next to it.

MEDIATIONS HELD

Mediations Held	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Year to Date
Mediations Held Not Related to Hearing Requests	20				20
Mediations Held Related to Hearing Requests	450				450
Total Number of Mediations Held	470				470

In the above table called "Mediations Held" the numbers in the row "Total Number of Mediations Held" are the sum of the numbers in the column above and the numbers in the column "Year to Date" are the sum of the numbers in the row next to each number.

MEDIATIONS NOT HELD

The number of mediations not held within any quarter includes mediations which were canceled by one or both of the parties, continued to a different date, or canceled due to a case being closed.

Mediation Not Held	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Year to Date
Mediations Requested (from prior table)	897				897
Mediations Held (from prior table)	470				470
Total Number of Mediations Not Held	427				427

In the above table called "Mediations Not Held" the numbers in the row "Total Number of Mediations Not Held" are calculated by subtracting the number in the second row from the number in the first row of the column above each number and the numbers in the column "Year to Date" are the sum of the numbers in the row next to each number.

MEDIATION AGREEMENTS

In March 2019, OAH shifted to virtual mediations to comply with the Governor’s statewide Stay-at-Home order due to the COVID-19 pandemic. Accordingly, due to the new method of conducting mediations the tracking of agreements reached at mediation was also shifted. The data in this report reflects that change in tracking.

Mediation Agreements	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Year to Date
Mediation Agreements Not Related to Hearing Requests	4				4
Mediation Agreements Related to Hearing Requests	89				89
Total Number of Mediation Agreements	93				93

In the above table called “Mediation Agreements” the numbers in the row “Total Number of Mediation Agreements” are the sum of the numbers in the column above and the numbers in the column “Year to Date” are the sum of the numbers in the row next to each number.

MEDIATIONS HELD NOT RESULTING IN AGREEMENT

Mediations without Agreements	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Year to Date
Mediations Held (from prior table)	470				470
Mediations Resulting in Agreements (from prior table)	93				93
Total Number of Mediations without Agreement	377				377

In the above table called “Mediations Held Not Resulting in Agreement” the numbers in the row “Total Number of Mediations without Agreement” are calculated by subtracting the number in the second row from the number in the first row, and the

numbers in the column "Year to Date" are the sum of the numbers in the row next to each number.

COMPLIANCE COMPLAINT MEDIATIONS

The data in this table is required under Task 4.3 (a)(2-4).

Beginning on July 1, 2020, OAH began to conducting compliance complaint mediations pursuant to the current IA with the California Department of Education referred to as the "CDE". These mediations are not related to the due process mediations and hearings.

Compliance complaints alleging a violation of special education law can be filed with the CDE, and the parties to the complaint have the opportunity to participate in mediation.

Compliance Complaint Mediations	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Year to Date
Number of Mediation Requests Related to Complaints Filed with the CDE	2				2
Mediations Held Related to Complaints Filed with the CDE	1				1
Mediation Agreements Related to Complaints Filed with the CDE	1				1

In the above table called "Compliance Complaint Mediations" the numbers in the "Year to Date" column are the sum of the numbers in the row next to each number.

EXPEDITED HEARINGS

The data in these tables is required by Task 4.3(c)(1-5).

EXPEDITED HEARING REQUESTS

Number of Expedited Hearing Requests	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Year to Date
Number of Expedited Hearings Requested by Districts	0				0
Number of Expedited Hearings Requested by Students	11				11
Total Number of Expedited Hearing Requests	11				11

In the above table called "Number of Expedited Hearing Requests" the numbers in the row "Total Number of Expedited Hearing Requests" are the sum of the numbers in the column above and the numbers in the column "Year to Date" are the sum of the numbers in the row next to each number.

REASONS FOR CLOSURE FOR EXPEDITED HEARING REQUESTS

Reason Expedited Case was Closed	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Year to Date
Decision Issued	1				1
Parties Settled at Mediation	2				2
Parties Settled at Resolution Session	0				0
Parties Settled Outside Mediation or Resolution Session	6				6
Party Withdrew Expedited Hearing Request	3				3
Total Expedited Cases Closed During the Quarter	12				12

In the above table called "Reasons for Closure for Expedited Hearing Requests" the numbers in the row "Total Expedited Cases Closed" are the sum of the numbers in the column above and the numbers in the column "Year to Date" are the sum of the numbers in the row next to each number.

In the relevant quarter there were no changes of placement ordered in the decisions issued following an expedited hearing. For Fiscal Year 2020-2021, there have been no changes of placement ordered following expedited hearings.

QUARTERLY REPORT CONTENT

Beginning with the fourth quarter of fiscal year 2018-2019, the content of the OAH Special Education Division's Quarterly Data Report was updated to conform with the information statutorily required by Ed Code 56504.5 (d) and CCR Title 5, 3092 (b).