

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

**SPECIAL EDUCATION DIVISION**

**QUARTERLY DATA REPORT**

**THIRD QUARTER 2020 – 2021 FISCAL YEAR**

**JANUARY 1, 2021 THROUGH MARCH 31, 2021**

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 May 2021.

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 <sup>st</sup> Quarter	2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter	4 <sup>th</sup> Quarter	Year to Date
Request for Due Process Hearing with Mediation	38	51	78		167
Request for Due Process Hearing Only	1	3	0		4
Request for Due Process Hearing with Dual Issues	0	0	0		0
Request for Due Process Hearing with Expedited Issues	0	0	0		0
Request for Mediation Only	15	15	24		54
<b>Total Filings by Districts</b>	<b>54</b>	<b>69</b>	<b>102</b>		<b>225</b>

In the "Types of Cases Filed by Districts" 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 <sup>st</sup> Quarter	2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter	4 <sup>th</sup> Quarter	Year to Date
Request for Due Process Hearing with Mediation	820	882	801		2,503
Request for Due Process Hearing Only	1	7	3		11
Request for Due Process Hearing with Dual Issues	9	3	4		16
Request for Due Process Hearing with Expedited Issues	2	0	0		2
Request for Mediation Only	13	13	8		34
<b>Total Filings on Behalf of Students</b>	<b>845</b>	<b>905</b>	<b>816</b>		<b>2,566</b>

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 <sup>st</sup> Quarter	2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter	4 <sup>th</sup> Quarter	Year to Date
Total Number of Cases Filed by District	54	69	102		225
Total Number of Cases Filed on Behalf of Students	845	905	816		2,566
<b>Total Filings</b>	<b>899</b>	<b>974</b>	<b>918</b>		<b>2,791</b>

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 no cases in the relevant quarter with decisions issued that were not closed due to decision issuance.

## REASON CASE WAS CLOSED

Reason Case Was Closed	1 <sup>st</sup> Quarter	2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter	4 <sup>th</sup> Quarter	Year to Date
Decision Issued	30	21	19		70
Chose not to Participate in Mediation for a Mediation Only Case	8	7	5		20
Filing Party Failed to Amend a Complaint When Required	30	9	2		41
Inactivity	4	2	5		11
Motion to Dismiss was Granted	4	5	5		14
Parties Did Not Settle In a Mediation-Only Case	14	19	10		43
Parties Fully Settled at Mediation	117	65	110		292
Parties Settled During Resolution Session	11	20	18		49
Parties Settled But Not At Mediation or Resolution Session	759	663	648		2,070
Filing Party Withdrew Their Case	79	80	93		252
Other	0	1	1		2
<b>Total Cases Closed</b>	<b>1,056</b>	<b>892</b>	<b>916</b>		<b>2,864</b>

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 864 due process hearings pending.

## DUE PROCESS HEARING DECISIONS

Timelines of Issued Decisions	1 <sup>st</sup> Quarter	2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter	4 <sup>th</sup> Quarter	Year to Date
Issued within Timeline, including within Expedited Timeline	1	0	0		1
Issued within Extended Timeline	32	21	19		72
Issued after Timeline and Extension Expired	0	0	0		0
<b>Total Number of Decisions Issued</b>	<b>33</b>	<b>21</b>	<b>19</b>		<b>73</b>

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).

## RESOLUTION SESSION OUTCOMES AS REPORTED

Resolution Session Statuses	1 <sup>st</sup> Quarter	2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter	4 <sup>th</sup> Quarter	Year to Date
Number of Resolution Sessions Reported as Held	167	155	181		503
Number of Resolution Sessions Reported as Waived with Intent to Use Mediation in Lieu Of	238	325	215		778
Number of Resolution Sessions Reported as Not Held or No Data was Reported	466	466	490		1,422

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 <sup>st</sup> Quarter	2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter	4 <sup>th</sup> Quarter	Year to Date
Number of Mediation Requests Not Related to Hearings	28	28	32		88
Number of Mediation Requests Related to Hearings	869	935	883		2,687
<b>Total Number of Mediation Requests</b>	<b>897</b>	<b>963</b>	<b>915</b>		<b>2,775</b>

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 <sup>st</sup> Quarter	2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter	4 <sup>th</sup> Quarter	Year to Date
Mediations Held Not Related to Hearing Requests	20	20	21		61
Mediations Held Related to Hearing Requests	450	347	404		1,201
<b>Total Number of Mediations Held</b>	<b>470</b>	<b>367</b>	<b>425</b>		<b>1,262</b>

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 <sup>st</sup> Quarter	2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter	4 <sup>th</sup> Quarter	Year to Date
Mediations Requested ( <a href="#">from prior table</a> )	897	963	915		2,775
Mediations Held ( <a href="#">from prior table</a> )	470	367	425		1,262
<b>Total Number of Mediations Not Held</b>	<b>427</b>	<b>596</b>	<b>490</b>		<b>1,513</b>

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 <sup>st</sup> Quarter	2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter	4 <sup>th</sup> Quarter	Year to Date
Mediation Agreements Not Related to Hearing Requests	4	3	6		13
Mediation Agreements Related to Hearing Requests	89	53	95		237
<b>Total Number of Mediation Agreements</b>	<b>93</b>	<b>56</b>	<b>101</b>		<b>250</b>

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**

<b>Mediations without Agreements</b>	<b>1<sup>st</sup> Quarter</b>	<b>2<sup>nd</sup> Quarter</b>	<b>3<sup>rd</sup> Quarter</b>	<b>4<sup>th</sup> Quarter</b>	<b>Year to Date</b>
Mediations Held ( <a href="#">from prior table</a> )	470	367	425		1,262
Mediations Resulting in Agreements ( <a href="#">from prior table</a> )	93	56	101		250
<b>Total Number of Mediations without Agreement</b>	<b>377</b>	<b>311</b>	<b>324</b>		<b>1,012</b>

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 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.

<b>Compliance Complaint Mediations</b>	<b>1<sup>st</sup> Quarter</b>	<b>2<sup>nd</sup> Quarter</b>	<b>3<sup>rd</sup> Quarter</b>	<b>4<sup>th</sup> Quarter</b>	<b>Year to Date</b>
Number of Mediation Requests Related to Complaints Filed with the CDE	2	4	6		12
Mediations Held Related to Complaints Filed with the CDE	1	5	3		9
Mediation Agreements Related to Complaints Filed with the CDE	1	0	1		2

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**

<b>Number of Expedited Hearing Requests</b>	<b>1<sup>st</sup> Quarter</b>	<b>2<sup>nd</sup> Quarter</b>	<b>3<sup>rd</sup> Quarter</b>	<b>4<sup>th</sup> Quarter</b>	<b>Year to Date</b>
Number of Expedited Hearings Requested by Districts	0	0	0		0
Number of Expedited Hearings Requested by Students	11	3	4		18
<b>Total Number of Expedited Hearing Requests</b>	<b>11</b>	<b>3</b>	<b>4</b>		<b>18</b>

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 <sup>st</sup> Quarter	2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter	4 <sup>th</sup> Quarter	Year to Date
Decision Issued	1	0	0		1
Parties Settled at Mediation	2	0	0		2
Parties Settled at Resolution Session	0	0	0		0
Parties Settled Outside Mediation or Resolution Session	6	8	2		16
Party Withdrew Expedited Hearing Request	3	0	0		3
<b>Total Expedited Cases Closed</b>	<b>12</b>	<b>8</b>	<b>2</b>		<b>22</b>

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).