

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

**SPECIAL EDUCATION DIVISION
QUARTERLY DATA REPORT
SECOND QUARTER 2021 – 2022 FISCAL YEAR
OCTOBER 1, 2021 THROUGH DECEMBER 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 certain information on a quarterly basis. 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 2021-2022 reflects the current data as of January 2022.

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 are 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	57	98			155
Request for Due Process Hearing Only	0	3			3
Request for Due Process Hearing with Dual Issues	0	0			0
Request for Due Process Hearing with Expedited Issues	1	5			6
Request for Mediation Only	21	21			42
Total Cases Filed by Districts	79	127			206

In this table, each number in the “Total Cases Filed by Districts” row is the sum of the numbers in the column above it. Each number in the “Year to Date” column is 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	928	912			1,840
Request for Due Process Hearing Only	11	11			22
Request for Due Process Hearing with Dual Issues	5	24			29
Request for Due Process Hearing with Expedited Issues	1	3			4
Request for Mediation Only	23	11			34
Total Cases Filed on Behalf of Students	968	961			1,929

Each number in the “Total Cases Filed on Behalf of Students” row in this table is the sum of the numbers in the column above it. Each number in the “Year to Date” column is the sum of the numbers in the row next to it.

TOTAL CASES FILED

Total Cases Filed by Requesting Party	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Year to Date
Total Cases Filed by Districts	79	127			206
Total Cases Filed on Behalf of Students	968	961			1,929
Total Cases Filed	1,047	1,088			2,135

In this table, each number in the “Total Cases Filed” row is the sum of the numbers in the column above it. Each number in the “Year to Date” column is 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.

CASES WITH DECISIONS ISSUED THAT WERE NOT CLOSED DUE TO DECISION ISSUANCE

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

REASONS CASES WERE CLOSED

Reason Case Was Closed	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Year to Date
Decision Issued	28	13			41
Chose Not to Participate in Mediation for a Mediation-Only Case	14	6			20
Filing Party Failed to Amend a Complaint When Required	5	3			8
Inactivity	4	4			8
Motion to Dismiss was Granted	8	4			12
Parties Did Not Settle in a Mediation-Only Case	23	28			51
Parties Fully Settled at Mediation	105	78			183
Parties Settled During Resolution Session	17	12			29
Parties Settled, but Not at Mediation or Resolution Session	704	819			1,523
Filing Party Withdrew Their Case	113	106			219
Other	0	0			0
Total Cases Closed	1,021	1,073			2,094

Each number in the “Total Cases Closed” row in this table is the sum of the numbers in the column above it. Each number in the “Year to Date” column is 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.

DUE PROCESS HEARINGS PENDING

At the time of this report, there are 1,028 due process hearings pending.

DUE PROCESS HEARING DECISIONS

Timelines of Issued Decisions	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Year to Date
Issued within Timeline, Including within Expedited Timeline	1	0			1
Issued within Extended Timeline	27	13			40
Issued after Timeline and Extension Expired	0	0			0
Total Number of Decisions Issued	28	13			41

In this table, each number in the "Total Number of Decisions Issued" row is the sum of the numbers in the column above it. Each number in the "Year to Date" column is 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	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Year to Date
Number of Resolution Sessions Reported as Held	181	164			345
Number of Resolution Sessions Reported as Waived with Intent to Use Mediation in Lieu Of	338	310			648
Number of Resolution Sessions Reported as Not Held or No Data was Reported	484	582			1,066

In the "Resolution Session Outcomes as Reported" table, each number in the "Year to Date" column is 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 by Case Type	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Year to Date
Number of Mediation Requests Not Related to Hearings	44	32			76
Number of Mediation Requests Related to Hearings	992	1,042			2,034
Total Number of Mediation Requests	1,036	1,074			2,110

Each number in the “Total Number of Mediation Requests” row in this table is the sum of the numbers in the column above it. Each number in the “Year to Date” column is the sum of the numbers in the row next to it.

MEDIATIONS HELD

Mediations Held by Case Type	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Year to Date
Mediations Held Not Related to Hearing Requests	25	28			53
Mediations Held Related to Hearing Requests	475	396			871
Total Number of Mediations Held	500	424			924

In this table, each number in the “Total Number of Mediations Held” row is the sum of the numbers in the column above it. Each number in the “Year to Date” column is the sum of the numbers in the row next to it.

MEDIATIONS NOT HELD

When a mediation is “not held,” this means it was canceled by one or both of the parties, continued to a different date, or canceled due to that case being closed.

Mediation Not Held	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Year to Date
Mediations Requested (from prior table)	1,036	1,074			2,110
Mediations Held (from prior table)	500	424			924
Total Number of Mediations Not Held	536	650			1,186

The “Total Number of Mediations Not Held” row is calculated by subtracting the number in the second row (“Mediations Held”) from the number in the first row (“Mediations Requested”) of the same column. Each number in the “Year to Date” column is the sum of the numbers in the row next to it.

MEDIATION AGREEMENTS

The figures in this table represent instances where the filing party in a case reported a settlement was reached at mediation.

Mediation Agreements by Case Type	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Year to Date
Mediation Agreements Not Related to Hearing Requests	1	0			1
Mediation Agreements Related to Hearing Requests	90	49			139
Total Number of Mediation Agreements	91	49			140

In this table, each number in the “Total Number of Mediation Agreements” row is the sum of the numbers in the column above it. Each number in the “Year to Date” column is the sum of the numbers in the row next to it.

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)	500	424			924
Mediations Resulting in Agreements (from prior table)	91	49			140
Total Number of Mediations without Agreement	409	375			784

The “Total Number of Mediations without Agreement” row is calculated by subtracting the number in the second row (“Mediations Resulting in Agreements”) from the number in the first row (“Mediations Held”) of the

same column. Each number in the “Year to Date” column is the sum of the numbers in the row next to it.

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 due process mediations and/or hearings.

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

Compliance Complaint Mediations	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Year to Date
Number of Mediation Requests Related to Compliance Complaints Filed with the CDE	1	0			1
Mediations Held Related to Compliance Complaints Filed with the CDE	2	0			2
Mediation Agreements Related to Compliance Complaints Filed with the CDE	1	0			1

In the “Compliance Complaint Mediations” table above, each number in the “Year to Date” column is the sum of the numbers in the row next to it.

EXPEDITED HEARINGS

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

EXPEDITED HEARING REQUESTS

Expedited Hearing Requests by Requesting Party	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Year to Date
Number of Expedited Hearings Requested by Districts	1	5			6
Number of Expedited Hearings Requested on Behalf of Students	6	27			33
Total Number of Expedited Hearing Requests	7	32			39

Each number in the “Total Number of Expedited Hearing Requests” row in this table is the sum of the numbers in the column above it. Each number in the “Year to Date” column is the sum of the numbers in the row next to it.

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	0	0			0
Parties Settled at Mediation	1	0			1
Parties Settled at Resolution Session	1	0			1
Parties Settled Outside Mediation or Resolution Session	3	8			11
Party Withdrew Expedited Hearing Request	1	7			8
Total Expedited Cases Closed	6	15			21

In this table, each number in the “Total Expedited Cases Closed” row is the sum of the numbers in the column above it. Each number in the “Year to Date” column is the sum of the numbers in the row next to it.

RESOLUTION SESSIONS HELD FOR EXPEDITED HEARING REQUESTS

In the relevant quarter there were six resolution sessions reported as held for expedited hearings requested. For Fiscal Year 2021-2022, there were eight resolution sessions reported as held for expedited hearings requested.

CHANGES OF PLACEMENT ORDERED IN EXPEDITED DECISIONS

In the relevant quarter there were no changes of placement ordered in the decisions issued following an expedited hearing. For Fiscal Year 2021-2022, 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).