

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

**SPECIAL EDUCATION DIVISION
QUARTERLY DATA REPORT
THIRD QUARTER 2022 – 2023 FISCAL YEAR
JANUARY 1, 2023, THROUGH MARCH 31, 2023**

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 2022-2023 reflects the current data as of July 2023.

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 Districts	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Year to Date
Request for Due Process Hearing with Mediation	79	72	106		257
Request for Due Process Hearing Only	0	0	0		0
Request for Due Process Hearing with Dual Issues	1	3	2		6
Request for Due Process Hearing with Expedited Issues	3	3	4		10
Request for Mediation Only	27	17	18		62
Total Cases Filed by Districts	110	95	130		335

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	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Year to Date
Request for Due Process Hearing with Mediation	999	889	924		2,812
Request for Due Process Hearing Only	6	6	4		16
Request for Due Process Hearing with Dual Issues	10	21	37		68
Request for Due Process Hearing with Expedited Issues	1	3	1		5
Request for Mediation Only	15	6	14		35
Total Cases Filed on Behalf of Students	1,031	925	980		2,936

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 BY REQUESTING PARTY

Cases Filed by Requesting Party	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Year to Date
Total Cases Filed by Districts	110	95	130		335
Total Cases Filed on Behalf of Students	1,031	925	980		2,936
Total Cases Filed	1,141	1,020	1,110		3,271

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.

TOTAL CASES FILED BY RESOLUTION PROCESS

Cases Filed by Type of Resolution Process	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Year to Date
Total Requests for Due Process Hearing, including with Mediation	1,099	997	1,078		3,174
Total Requests for Mediation Only	42	23	32		97
Total Cases Filed	1,141	1,020	1,110		3,271

The “Total Cases Filed” 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.

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 three cases in the relevant quarter with a decision issued that were not closed due to decision issuance. One dual case issued an expedited decision and before the non-expedited hearing could be held, the petitioner withdrew their case. Two more dual cases issued expedited decisions and remained open following the closing of the quarter for their non-expedited hearings. Due to these reasons, the number of decisions issued does not match the number of cases closed due to decision issuance.

During the second quarter of the 2022-2023 fiscal year there was one case which was closed due to decision issuance that had both an expedited and non-expedited decision issued. Due to the issuance of two decisions in one case, the number of decisions issued does not match the number of cases closed due to decision issuance.

During the first quarter of the 2022-2023 fiscal year there was one case which was closed due to decision issuance that had both an expedited and non-expedited decision issued. Due to the issuance of two decisions in one case, the number of decisions issued does not match the number of cases closed due to decision issuance.

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REASONS CASES WERE CLOSED

Reason Case Was Closed	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Year to Date
Decision Issued	19	27	13		59
Chose Not to Participate in Mediation for a Mediation-Only Case	6	5	8		19
Filing Party Failed to Amend a Complaint When Required	4	1	0		5
Inactivity	0	1	0		1
Motion to Dismiss was Granted	0	1	3		4
Parties Did Not Settle in a Mediation-Only Case	29	20	15		64
Parties Fully Settled at Mediation	93	66	68		227
Parties Settled During Resolution Session	15	17	9		41
Parties Settled, but Not at Mediation or Resolution Session	917	791	864		2,572
Filing Party Withdrew Their Case	86	97	99		282
Other	0	0	0		0
Total Cases Closed	1,169	1,026	1,079		3,274

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 1,210 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	3	9	8		20
Issued within Extended Timeline	17	19	8		44
Issued after Timeline and Extension Expired	0	0	0		0
Total Number of Decisions Issued	20	28	16		64

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	169	213	310		692
Number of Resolution Sessions Reported as Waived with Intent to Use Mediation in Lieu Of	56	133	315		504
Number of Resolution Sessions Reported as Not Held or No Data was Reported	874	651	453		1,978

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.

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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	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Year to Date
Number of Mediation Requests Not Related to Hearings	42	23	32		97
Number of Mediation Requests Related to Hearings	1,093	990	1,074		3,157
Total Number of Mediation Requests	1,135	1,013	1,106		3,254

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	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Year to Date
Mediations Held Not Related to Hearing Requests	36	23	16		75
Mediations Held Related to Hearing Requests	522	417	520		1,459
Total Number of Mediations Held	558	440	536		1,534

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 (see table on p.9)	1,135	1,013	1,106		3,254
Mediations Held (see table on p.9)	558	440	536		1,534
Total Number of Mediations Not Held	577	573	570		1,720

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.

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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	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Year to Date
Mediation Agreements Not Related to Hearing Requests	0	0	0		0
Mediation Agreements Related to Hearing Requests	72	46	47		165
Total Number of Mediation Agreements	72	46	47		165

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	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Year to Date
Mediations Held (see table p.9)	558	440	536		1,534
Mediations Resulting in Agreements (see prior table)	72	46	47		165
Total Number of Mediations without Agreement	486	394	489		1,369

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

Agreement") 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	2	2	0		4
Mediations Held Related to Compliance Complaints Filed with the CDE	2	1	1		4
Mediation Agreements Related to Compliance Complaints Filed with the CDE	0	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	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Year to Date
Number of Expedited Hearings Requested by Districts	4	6	6		16
Number of Expedited Hearings Requested on Behalf of Students	11	24	38		73
Total Number of Expedited Hearing Requests	15	30	44		89

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.

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REASONS FOR CLOSURE FOR EXPEDITED HEARING REQUESTS

Reason Expedited Case was Closed	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Year to Date
Decision Issued	3	1	2		6
Parties Settled at Mediation	0	2	5		7
Parties Settled at Resolution Session	0	0	0		0
Parties Settled, but Not at Mediation or Resolution Session	12	11	26		49
Party Withdrew Expedited Hearing Request	3	2	5		10
Total Expedited Cases Closed	18	16	38		72

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 10 resolution sessions reported as held for expedited hearings requested. For fiscal year 2022-2023, there were 17 resolution sessions reported as held for expedited hearings requested.

CHANGES OF PLACEMENT ORDERED IN EXPEDITED DECISIONS

In the relevant quarter there were three changes of placement ordered in the decisions issued following expedited hearings. For fiscal year 2022-2023, there have been four 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).