

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

**SPECIAL EDUCATION DIVISION  
QUARTERLY DATA REPORT  
FOURTH QUARTER 2022 – 2023 FISCAL YEAR  
APRIL 1, 2023, THROUGH JUNE 30, 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 August 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	99	356
Request for Due Process Hearing Only	0	0	0	0	0
Request for Due Process Hearing with Dual Issues	1	3	2	2	8
Request for Due Process Hearing with Expedited Issues	3	3	4	1	11
Request for Mediation Only	27	17	18	36	98
<b>Total Cases Filed by Districts</b>	<b>110</b>	<b>95</b>	<b>130</b>	<b>138</b>	<b>473</b>

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	1,083	3,895
Request for Due Process Hearing Only	6	6	4	1	17
Request for Due Process Hearing with Dual Issues	10	21	37	37	105
Request for Due Process Hearing with Expedited Issues	1	3	1	4	9
Request for Mediation Only	15	6	14	15	50
<b>Total Cases Filed on Behalf of Students</b>	<b>1,031</b>	<b>925</b>	<b>980</b>	<b>1,140</b>	<b>4,076</b>

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	138	473
Total Cases Filed on Behalf of Students	1,031	925	980	1,140	4,076
<b>Total Cases Filed</b>	<b>1,141</b>	<b>1,020</b>	<b>1,110</b>	<b>1,278</b>	<b>4,549</b>

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	1,227	4,401
Total Requests for Mediation Only	42	23	32	51	148
<b>Total Cases Filed</b>	<b>1,141</b>	<b>1,020</b>	<b>1,110</b>	<b>1,278</b>	<b>4,549</b>

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 two cases in the relevant quarter with decisions issued that were not closed due to decision issuance. One dual case had an expedited decision issued and before the non-expedited hearing could be held, the petitioner withdrew their case. One dual case had an expedited decision issued and the non-expedited hearing held during the relevant quarter, and the case remained open following the end of the quarter for the decision to be written and issued for the non-expedited hearing.

During the third quarter of the 2022-2023 fiscal year 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.

## REASONS CASES WERE CLOSED

Reason Case Was Closed	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Year to Date
Decision Issued	19	27	13	25	84
Chose Not to Participate in Mediation for a Mediation-Only Case	6	5	8	14	33
Filing Party Failed to Amend a Complaint When Required	4	1	0	1	6
Inactivity	0	1	0	1	2
Motion to Dismiss was Granted	0	1	3	8	12
Parties Did Not Settle in a Mediation-Only Case	29	20	15	27	91
Parties Fully Settled at Mediation	93	66	68	74	301
Parties Settled During Resolution Session	15	17	9	15	56
Parties Settled, but Not at Mediation or Resolution Session	917	791	864	951	3,523
Filing Party Withdrew Their Case	86	97	99	120	402
Other	0	0	0	1	1
<b>Total Cases Closed</b>	<b>1,169</b>	<b>1,026</b>	<b>1,079</b>	<b>1,237</b>	<b>4,511</b>

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 1,242 due process hearings pending.

### DUE PROCESS HEARING DECISIONS

<b>Timelines of Issued Decisions</b>	<b>1st Quarter</b>	<b>2nd Quarter</b>	<b>3rd Quarter</b>	<b>4th Quarter</b>	<b>Year to Date</b>
Issued within Timeline, Including within Expedited Timeline	3	9	8	11	31
Issued within Extended Timeline	17	19	8	15	59
Issued after Timeline and Extension Expired	0	0	0	1	1
<b>Total Number of Decisions Issued</b>	<b>20</b>	<b>28</b>	<b>16</b>	<b>27</b>	<b>91</b>

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

<b>Resolution Session Statuses</b>	<b>1st Quarter</b>	<b>2nd Quarter</b>	<b>3rd Quarter</b>	<b>4th Quarter</b>	<b>Year to Date</b>
Number of Resolution Sessions Reported as Held	169	213	310	239	931
Number of Resolution Sessions Reported as Waived with Intent to Use Mediation in Lieu Of	56	133	315	184	688
Number of Resolution Sessions Reported as Not Held or No Data was Reported	874	651	453	804	2,782

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	51	148
Number of Mediation Requests Related to Hearings	1,093	990	1,074	1,226	4,383
<b>Total Number of Mediation Requests</b>	<b>1,135</b>	<b>1,013</b>	<b>1,106</b>	<b>1,277</b>	<b>4,531</b>

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	26	101
Mediations Held Related to Hearing Requests	522	417	520	476	1,935
<b>Total Number of Mediations Held</b>	<b>558</b>	<b>440</b>	<b>536</b>	<b>502</b>	<b>2,036</b>

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.

<b>Mediation Not Held</b>	<b>1st Quarter</b>	<b>2nd Quarter</b>	<b>3rd Quarter</b>	<b>4th Quarter</b>	<b>Year to Date</b>
Mediations Requested (see table on p. 9)	1,135	1,013	1,106	1,277	4,531
Mediations Held (see table on p. 9)	558	440	536	502	2,036
<b>Total Number of Mediations Not Held</b>	<b>577</b>	<b>573</b>	<b>570</b>	<b>775</b>	<b>2,495</b>

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.

<b>Mediation Agreements by Case Type</b>	<b>1st Quarter</b>	<b>2nd Quarter</b>	<b>3rd Quarter</b>	<b>4th Quarter</b>	<b>Year to Date</b>
Mediation Agreements Not Related to Hearing Requests	0	0	0	0	0
Mediation Agreements Related to Hearing Requests	72	46	47	36	201
<b>Total Number of Mediation Agreements</b>	<b>72</b>	<b>46</b>	<b>47</b>	<b>36</b>	<b>201</b>

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

<b>Mediations without Agreements</b>	<b>1st Quarter</b>	<b>2nd Quarter</b>	<b>3rd Quarter</b>	<b>4th Quarter</b>	<b>Year to Date</b>
Mediations Held (see table p. 9)	558	440	536	502	2,036
Mediations Resulting in Agreements (see prior table)	72	46	47	36	201
<b>Total Number of Mediations without Agreement</b>	<b>486</b>	<b>394</b>	<b>489</b>	<b>466</b>	<b>1,835</b>

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 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.

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

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

<b>Expedited Hearing Requests by Requesting Party</b>	<b>1st Quarter</b>	<b>2nd Quarter</b>	<b>3rd Quarter</b>	<b>4th Quarter</b>	<b>Year to Date</b>
Number of Expedited Hearings Requested by Districts	4	6	6	3	19
Number of Expedited Hearings Requested on Behalf of Students	11	24	38	41	114
<b>Total Number of Expedited Hearing Requests</b>	<b>15</b>	<b>30</b>	<b>44</b>	<b>44</b>	<b>133</b>

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	2	8
Parties Settled at Mediation	0	2	5	2	9
Parties Settled at Resolution Session	0	0	0	0	0
Parties Settled, but Not at Mediation or Resolution Session	12	11	26	38	87
Party Withdrew Expedited Hearing Request	3	2	5	7	17
Motion to Dismiss was Granted	0	0	0	1	1
Other	0	0	0	1	1
<b>Total Expedited Cases Closed</b>	<b>18</b>	<b>16</b>	<b>38</b>	<b>51</b>	<b>123</b>

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 11 resolution sessions reported as held for expedited hearings requested. For fiscal year 2022-2023, there were 28 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 seven 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).