

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

**SPECIAL EDUCATION DIVISION
QUARTERLY DATA REPORT
THIRD QUARTER 2023 – 2024 FISCAL YEAR
JANUARY 1, 2024, THROUGH MARCH 31, 2024**

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 2023-2024 reflects the current data as of May 2024.

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	80	69	95		244
Request for Due Process Hearing Only	0	0	0		0
Request for Due Process Hearing with Dual Issues	2	4	3		9
Request for Due Process Hearing with Expedited Issues	2	5	3		10
Request for Mediation Only	22	18	24		64
Total Cases Filed by Districts	106	96	125		327

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.

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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	1,032	974	979		2,985
Request for Due Process Hearing Only	1	3	3		7
Request for Due Process Hearing with Dual Issues	10	34	27		71
Request for Due Process Hearing with Expedited Issues	1	1	2		4
Request for Mediation Only	10	9	17		36
Total Cases Filed on Behalf of Students	1,054	1,021	1,028		3,103

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	106	96	125		327
Total Cases Filed on Behalf of Students	1,054	1,021	1,028		3,103
Total Cases Filed	1,160	1,117	1,153		3,430

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	1,128	1,090	1,112		3,330
Total Requests for Mediation Only	32	27	41		100
Total Cases Filed	1,160	1,117	1,153		3,430

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.

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

There was one case in the relevant quarter with a decision issued that was not closed due to decision issuance. One dual case had an expedited decision issued during the quarter and remained open for its non-expedited hearing, which is scheduled to be held after the end of the quarter.

There were three cases in the second quarter of the 2023-2024 fiscal year with decisions issued that were not closed due to decision issuance. One dual case had an expedited decision issued during the quarter, then closed because the parties settled, but not at mediation or resolution session. Two dual cases had expedited decisions issued during the quarter and remained open following the end of the quarter for hearings on the non-expedited issues. Both cases closed due to petitioner withdrawal following the end of the quarter.

There were no cases in the first quarter of the 2023-2024 fiscal year with decisions issued that were not 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	15	22	17		54
Chose Not to Participate in Mediation for a Mediation-Only Case	9	6	8		23
Filing Party Failed to Amend a Complaint When Required	0	0	0		0
Inactivity	0	1	4		5
Motion to Dismiss was Granted	2	1	3		6
Parties Did Not Settle in a Mediation-Only Case	30	18	26		74
Parties Fully Settled at Mediation	71	85	86		242
Parties Settled During Resolution Session	23	15	15		53
Parties Settled, but Not at Mediation or Resolution Session	856	849	891		2,596
Filing Party Withdrew Their Case	97	97	82		276
Other	0	0	0		0
Total Cases Closed	1,103	1,094	1,132		3,329

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 1,311 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	4	10	6		20
Issued within Extended Timeline	11	15	12		38
Issued after Timeline and Extension Expired	0	0	0		0
Total Number of Decisions Issued	15	25	18		58

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.

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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	176	348	374		898
Number of Resolution Sessions Reported as Waived with Intent to Use Mediation in Lieu Of	22	54	55		131
Number of Resolution Sessions Reported as Not Held or No Data was Reported	846	610	582		2,038

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.

Previously, the method used to calculate the "Number of Resolution Sessions Reported as Not Held or No Data Was Reported" included all requests for due process hearing. Beginning with the second quarter of fiscal year 2023-2024, this calculation was adjusted to comply with Task 4.5 of the IA. The figure for the first quarter has been adjusted accordingly herein.

The method for counting the data point titled "Number of Resolution Sessions Reported as Waived with Intent to Use Mediation in Lieu Of," has been changed in this report. The data point now counts the responses indicating that a resolution session was not held because "The parties agreed to waive the resolution session and participate in mediation." This data point previously counted the responses indicating that "The parties agreed in writing to waive the resolution session." The reason for this change is because not all matters in which the parties waive resolution meetings proceed to mediation. Accordingly, the figures for the first and second quarters of fiscal year 2023-2024 have been adjusted in this third quarter report.

This change also resulted in an adjustment in the data point titled “Number of Resolution Sessions Reported as Not Held or No Data was Reported.” This additional data point is calculated by subtracting the number indicated in the data point titled “Number of Resolution Sessions Reported as Waived with Intent to use Mediation in Lieu Of” from the number of due process hearing requests filed on behalf of students.

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	32	27	41		100
Number of Mediation Requests Related to Hearings	1,127	1,087	1,109		3,323
Total Number of Mediation Requests	1,159	1,114	1,150		3,423

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	30	19	29		78
Mediations Held Related to Hearing Requests	567	525	532		1,624
Total Number of Mediations Held	597	544	561		1,702

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)	1,159	1,114	1,150		3,423
Mediations Held (see table on p. 9)	597	544	561		1,702
Total Number of Mediations Not Held	562	570	589		1,721

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	1	0		1
Mediation Agreements Related to Hearing Requests	59	57	45		161
Total Number of Mediation Agreements	59	58	45		162

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)	597	544	561		1,702
Mediations Resulting in Agreements (see prior table)	59	58	45		162
Total Number of Mediations without Agreement	538	486	516		1,540

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	3	1	0		4
Mediations Held Related to Compliance Complaints Filed with the CDE	3	1	0		4
Mediation Agreements Related to Compliance Complaints Filed with the CDE	1	1	0		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.

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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	9	6		19
Number of Expedited Hearings Requested on Behalf of Students	11	35	29		75
Total Number of Expedited Hearing Requests	15	44	35		94

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	1		5
Parties Settled at Mediation	2	1	1		4
Parties Settled at Resolution Session	0	0	0		0
Parties Settled, but Not at Mediation or Resolution Session	17	24	30		71
Party Withdrew Expedited Hearing Request	2	5	4		11
Total Expedited Cases Closed	24	31	36		91

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 seven resolution sessions reported as held for expedited hearings requested. For fiscal year 2023-2024, there have been 20 resolution sessions reported as held for expedited hearings requested.

CHANGES OF PLACEMENT ORDERED IN EXPEDITED DECISIONS

In the relevant quarter there was one change of placement ordered in the decisions issued following expedited hearings. For fiscal year 2023-2024, there have been five changes of placement ordered in the decisions issued 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).