

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

SPECIAL EDUCATION DIVISION

QUARTERLY DATA REPORT

FOURTH QUARTER 2019 – 2020 FISCAL YEAR

APRIL 1, 2020 THROUGH JUNE 30, 2020

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 2019-2020 reflects the current data as of August 2020.

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 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Year to Date
Request for Due Process Hearing with Mediation	98	108	125	59	390
Request for Due Process Hearing Only	0	0	0	1	1
Request for Due Process Hearing with Dual Issues	0	2	1	0	3
Request for Due Process Hearing with Expedited Issues	1	1	2	0	4
Request for Mediation Only	33	20	27	14	94
Total Filings by Districts	132	131	155	74	492

In the "Type of Case Filed by District" 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 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Year to Date
Request for Due Process Hearing with Mediation	1,130	1,030	987	821	3,968
Request for Due Process Hearing Only	4	5	7	6	22
Request for Due Process Hearing with Dual Issues	23	13	23	17	76
Request for Due Process Hearing with Expedited Issues	3	2	2	0	7
Request for Mediation Only	31	20	15	14	80
Total Filings on Behalf of Students	1,191	1,070	1,034	858	4,153

In the "Type of Case 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 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Year to Date
Total Number of Cases Filed by District	132	131	155	74	492
Total Number of Cases Filed on Behalf of Students	1,191	1,070	1,034	858	4,153
Total Filings	1,323	1,201	1,189	932	4,645

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 they 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.

REASON CASE WAS CLOSED

Reason Case Was Closed	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Year to Date
Decision Issued	25	27	26	13	91
Chose not to Participate in Mediation for a Mediation Only Case	25	14	16	7	62
Filing Party Failed to Amend a Complaint When Required	1	6	5	2	14
Inactivity	1	4	0	1	6
Motion to Dismiss was Granted	1	8	9	6	24
Parties Did Not Settle In a Mediation-Only Case	15	16	17	12	60
Parties Fully Settled at Mediation	493	452	373	118	1,436
Parties Settled During Resolution Session	47	49	28	15	139
Parties Settled But Not At Mediation or Resolution Session	490	561	498	881	2,430
Filing Party Withdrew Their Case	159	152	143	129	583
Other	0	0	1	1	2
Total Cases Closed	1,257	1,289	1,116	1,185	4,847

In the table above, the numbers shown 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 rows 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 in the figures provided. 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 899 due process hearings pending.

DUE PROCESS HEARING DECISIONS

Decisions Issued Timelines	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Year to Date
Issued within Timeline, including within Expedited Timeline	25	27	26	13	91
Issued within Extended Timeline	0	0	0	0	0
Issued after Timeline and Extension Expired	0	0	0	0	0
Total Number Decisions Issued	25	27	26	13	91

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 each number 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).

RESOLUTIONS SESSIONS OUTCOMES AS REPORTED

Resolution Sessions Statuses	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Year to Date
Number of Resolution Sessions Reported as Held	188	179	106	63	536
Number of Resolution Sessions Reported as Waived with Intent to Use Mediation in Lieu Of	210	54	40	92	396
Number of Resolution Sessions Reported as Not Held or No Data was Reported	861	928	1,001	749	3,539

In the above table called "Resolution Sessions 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)(1-7).

MEDIATION REQUESTS

Number of Mediation Requests	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Year to Date
Number of Mediation Requests Not Related to Hearings	64	40	42	28	174
Number of Mediation Requests Related to Hearings	1,255	1,156	1,140	897	4,448
Total Number of Mediation Requests	1,319	1,196	1,182	925	4,622

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 each number 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 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Year to Date
Mediations Held Not Related to Hearing Requests	45	29	28	17	119
Mediations Held Related to Hearing Requests	721	659	566	503	2,449
Total Number of Mediations Held	766	688	594	520	2,568

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 each number 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

Mediation Not Held	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Year to Date
Mediations Requested (from prior table)	1,319	1,196	1,182	925	4,622
Mediations Held (from prior table)	766	688	594	520	2,568
Total Number of Mediations Not Held	553	508	588	405	2,054

The number of mediations not held within any quarter include mediations which were canceled by one or both of the parties, continued to a different date, or canceled due to a case being closed.

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 second in 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 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Year to Date
Mediation Agreements Not Related to Hearing Requests	23	14	11	4	52
Mediation Agreements Related to Hearing Requests	446	418	352	98	1,314
Total Number of Mediation Agreements	469	432	363	102	1,366

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

each number 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

Mediations without Agreements	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Year to Date
Mediations Held (from prior table)	766	688	594	520	2,568
Mediations Resulting in Agreements (from prior table)	469	432	363	102	1,366
Total Number of Mediations without Agreement	297	256	231	418	1,202

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.

EXPEDITED HEARINGS

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

EXPEDITED HEARING REQUESTS

Number of Expedited Hearing Requests	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Year to Date
Number of Expedited Hearings Requested by Districts	1	3	3	0	7
Number of Expedited Hearings Requested by Students	26	15	25	17	83
Total Number of Expedited Hearing Requests	27	18	28	17	90

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 each number 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 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Year to Date
Decision Issued	3	1	1	0	5
Parties Settled at Mediation	4	7	5	3	19
Parties Settled at Resolution Session	0	0	0	0	0
Parties Settled Outside Mediation or Resolution Session	15	11	14	14	54
Parties Withdrew Expedited Hearing Request	5	7	4	4	20
Total Expedited Cases Closed	27	26	24	21	98

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 each number 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 2019-2020, 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).