

Dispute Resolution Manual

A Guide for Families and Education Professionals
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Introduction

This manual was developed by the California Department of Education (CDE), Special Education Division (SED). Content within this manual was customized from the Center for Appropriate Dispute Resolution in Special Education's (CADRE) *State Administrative Complaints* (2021) mediation and due process hearings manuals using state specific information. This manual also draws from the [Office of Special Education Programs \(OSEP\) Dispute Resolution Self-Assessment](#) and the [OSEP Memo and Q&A on Dispute Resolution](#), ED policy documents, comments to the regulations, and relevant case law. This resource is not intended to interpret, modify, replace requirements of federal or State law, or serve as a definitive treatment of the regulations.

This document is intended to serve as a guide for the prevention and resolution of disputes pertaining to students with disabilities eligible for services outlined within the *United States Code (USC)*, the Individuals with Disabilities Education Act (IDEA) and the *Code of Federal Regulations (CFR)*, in addition to the state requirements under the *California Education Code (EC)* and *California Code of Regulations (CCR)*. If any portion of this document conflicts with Federal law or regulations, the law or regulation takes precedence. Application of information presented may be affected by State statutes, regulations, departmental and local policies, and any new guidance not issued at the time of this publication.

The opinions expressed herein do not necessarily reflect the position of the United States Department of Education (ED) or the CDE, and this manual does not constitute legal advice. If you have specific questions concerning the information in this manual, please consult with your legal counsel.

Please contact the CDE, SED if you have questions regarding information contained within this manual.



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Parent and Child Rights in Special Education

Parents of children with disabilities have specific educational rights under the IDEA called procedural safeguards (34 *CFR* 300.500–300.536).

What Procedural Safeguards are available to the parents of a child with a disability?

The Notice of Procedural Safeguards is an explanation of all the procedural safeguards available to the parents of a child with a disability [34 *CFR* Section 300.504(c)]. This manual contains an abbreviated summary of the Notice of Procedural Safeguards under federal and state laws [20 *USC* Section 1415; 34 *CFR* Section 300.504; *EC* sections 56301(d)(2), 56321, and 56341.1(g)(1)]. A comprehensive description of these rights is available from the CDE, SED. Copies of the full Notice of Procedural Safeguards and available translations can be accessed on the [CDE Family Involvement and Partnerships web page](#).

The following is a non-exhaustive list of the procedural safeguards pertaining to dispute resolution:

- The right to file a state compliance complaint. (34 *CFR* sections 300.151–300.153; 5 *CCR* Section 4600)
- The right to request a pre-hearing mediation conference. (*EC* Section 56500.3)
- The right to request an impartial due process hearing regarding the identification, assessment, and educational placement of your child or the provision of free appropriate public education (FAPE). (20 *USC* Section 1415(b)(6); 34 *CFR* Section 300.507; *EC* Section 56501]
- You have the right to request a mediation conference at any point during the hearing process after the filing of a request for due process hearing. [*EC* Section 56501 (b)(2)]
- The right to request mediation (34 *CFR* Section 300.506)

To obtain more information about parental rights related to dispute resolution specifically, please visit the [CDE Dispute Resolution web page](#).

Please note that the above information is an abbreviated summary of the procedural safeguards under federal and state laws. A more extensive description of these rights, copies of the full Notice of Procedural Safeguards, and available translations can be accessed on the [CDE Family Involvement and Partnerships web page](#).

Overview of California's Dispute Resolution System

State and federal law provides that all children with disabilities are entitled to a FAPE under the IDEA, 20 *USC* Section 1400 et seq. and *EC* Section 56000 et seq. Eligible students and their parents are entitled to procedural safeguards with respect to disagreements concerning decisions about assessment, eligibility, placement, and a free appropriate public education. A request for due process, including mediation and due process hearings, may be made pursuant to 20 *USC* Section 1415 et seq. and *EC* Section 56000 et seq.

The CDE, SED is charged with general supervisory responsibility for California's LEAs under the IDEA. The CDE, SED provides technical assistance and guidance for LEAs and other constituents to implement the state's dispute resolution system.

California's dispute resolution system includes:

- The CDE, Constituent Support Services Office to enhance communication and support for constituents regarding mediation, state compliance complaints, and due process complaint processes, as well as to explain how each process operates in conjunction with one another.
- The CDE, SED Dispute Resolution Manual outlining written policies and procedures that align with federal and state laws and regulations.
- Infrastructure to support the oversight, case management, data collection and reporting, and implementation of the procedural safeguards related to mediation, formal state complaints, and due process hearings through an interagency agreement with the Department of General Services (DGS), Office of Administrative Hearings (OAH).
- Qualified and impartial mediators and due process hearing officers that align practices with federal and state laws and regulations.

As outlined in the Notice of Procedural Safeguards, parents, educational rights holders, and eligible students over the age of 18 have the right to participate in the dispute resolution process. There are several options for resolving disputes related to special education in alignment with federal and state laws and regulations.

The California dispute resolution system includes the following:

- Constituent Support Services Office
- Alternative Dispute Resolution
- Mediation
- State Compliance Complaints
- Due Process Complaints and Hearings

Constituent Support Services

The CDE, Constituent Support Services Office (CSSO) is dedicated to enhancing communications and support for families. The CDE is committed to ensuring that every family feels heard, valued, and supported. The CDE, CSSO staff are available to take calls, help with special education related questions, or refer to the appropriate department level staff, if necessary.

The CDE, CSSO can be reached by phone at 800-926-0648, Monday through Friday, between 8 a.m. to 5 p.m. All calls received outside of these hours will be sent to voicemail, and calls will be returned by the end of the next business day.

The CDE, CSSO may also be reached by email at SEDCO@cde.ca.gov.

Alternative Dispute Resolution

The IDEA encourages the early resolution of special education disputes. The term ADR refers to any resolution process in which the services of a neutral professional are used to assist parties in reaching agreement and avoiding litigation. The ADR process is a voluntary method of resolving disputes and may not be used to delay the right to a due process hearing. It uses clear communication, collaboration, negotiation, and mediation to produce a fair agreement that meets the interests of all parties involved. The ADR process allows the parties to come up with an innovative and jointly agreeable outcome. The use of ADR strategies varies at the local level and is intended to save time for the parties involved, preserve relationships between the parents and the LEA or public agency, and achieve positive outcomes for the student involved. Some ADR strategies could include informal resolution sessions, facilitated individualized education program (IEP) meetings, ADR coaching, or training for local level staff. Please see the complete ADR section of this manual for additional information.

Mediation

Mediation is a voluntary process in which the parent and the LEA or other public agency agree to have confidential discussions with a qualified and impartial individual with the goal of resolving disputes. If the parties reach agreement on a resolution, the parties will enter into a legally binding written agreement that documents the resolution. Pursuant to *EC* Section 56504.5, the CDE, SED oversees an interagency agreement with the DGS, OAH to provide mediation services in mediation only cases in addition to mediation that occurs during due process proceedings in adherence with all federal and state laws and regulations. The DGS, OAH also facilitates mediation to resolve disputes alleged in a state compliance complaint. If the parties reach agreement on a resolution, the parties will enter into a legally binding agreement that documents the resolution. Please see the complete Mediation section of this manual for additional information.

State Compliance Complaints

A written, signed complaint is a formal request to the CDE to investigate allegations in which the complainant believes the public agency (e.g., the student's school district) has violated special education law. The state compliance complaint can also focus on a particular process or procedure that the complainant alleges violates special education law. Complaints may concern one child or student, or a group of students. Anyone, including parents, students, teachers, and public agency representatives may file a state compliance complaint. Investigations are completed within 60 days of receipt by the CDE, Office of Dispute Resolution (ODR). Please see the complete State Compliance Complaints section of this manual for additional information.

Due Process Complaints and Hearings

Pursuant to *EC* Section 56504.5, the CDE, SED oversees an interagency agreement with the DGS, OAH to monitor, track, provide training, and manage cases of due process complaints in adherence with all federal and state laws and regulations. A due process complaint is a request for a hearing to resolve a dispute relating to the identification, evaluation, or educational placement of a child with a disability, or provision of FAPE to the child (34 *CFR* Section 300.507). Hearing officers in California are also referred to as Administrative Law Judges (ALJs) by the DGS, OAH. The hearing officer conducts an evidentiary hearing to learn about the concerns and disagreements raised in the complaint. After the hearing, the hearing officer issues a written decision to determine the outcome and resolve the dispute. Please see the complete Due Process Complaints section of this manual for additional information.

Alternative Dispute Resolution

What is Alternative Dispute Resolution?

Alternative Dispute Resolution (ADR) is an informal method of resolving conflicts between LEAs or public agencies and families related to special education. The ADR process uses specific techniques to promote understanding, open communication, and arrive at solutions to conflict that support and strengthen relationships. It promotes collaborative working relationships between parties and allows for both parties to reach mutually agreeable outcomes, rather than having a decision made by a third party such as a hearing officer or judge. The ADR process is a voluntary method of resolving disputes and may not be used to delay the right to a due process hearing.

The CDE encourages families and LEAs or public agencies to resolve disagreements at the local level. Generally, when disagreements are not resolved at a local level, a Special Education Local Plan Area (SELPA) Program Specialist or Administrator can assist LEAs and families in working through disagreements related to the IEP process. Occasionally, an outside ADR specialist will be contracted to support the process. All ADR services vary across LEAs and can include training, informal resolution sessions, facilitated IEP meetings, and ADR coaching. The use of ADR aims to create a constructive and supportive environment for resolving disputes, fostering better understanding and cooperation between families and LEAs or other public agencies. For more detailed information on your local ADR process, please contact your LEA or SELPA.

All LEA contact information can be accessed on the [CDE School Directory](#).

Information regarding SELPAs is available on the [CDE California SELPA web page](#).

What are the benefits of Alternative Dispute Resolution?

Families are encouraged to use the informal resolution session process if they have issues or concerns that have not been successfully addressed through the IEP process and other tiers of resolution. This process is highly suggested as an alternative to filing for due process or district mediation, as it is an informal means of problem solving designed to promote communication and to preserve relationships between families and LEAs or public agencies.

Some of the benefits of ADR can include:

- **Quick Resolution:** Settle disputes faster than traditional legal processes
- **Cost-Effectiveness:** Save time and money with ADR methods
- **Confidentiality:** Protect your privacy and relationships
- **Collaboration:** Foster cooperation and mutual understanding

- **Preserve Relationships:** Maintain positive connections within the community

ADR meetings can be held by a neutral facilitator (specifically trained in the ADR process) from the Special Education Local Plan Area (SELPA), or by an impartial facilitator with one of our ADR partners, which includes Pathways to Partnership (P2P).

Who can request to be a part of the Alternative Dispute Resolution process?

Any parent, educational rights holder, case manager, service provider, or LEA personnel may request information about the ADR process to resolve disputes regarding identification, evaluation and assessment, eligibility determination, placement, or the provision of appropriate early intervention services for an individual child or family. Family Empowerment Centers (FECs) and other parent organizations may also work with families to be a part of the ADR process. When a parent requests an informal conference, all other participants must participate. A parent may request an informal conference in addition to filing a state complaint.

Participation in ADR is voluntary and confidential. Information raised in an ADR meeting will not be used against parties at a later date. If LEAs or public agencies and families are unsuccessful coming to an agreement using ADR strategies and result in a state level proceeding, the matters discussed in an ADR session are not used as evidence in a subsequent due process hearing.

Examples of ADR strategies include:

- Facilitation of IEPs through a neutral party
- Informal resolution sessions
- Collaboration between the SELPA, LEA, or public agency and the local family engagement center to provide trainings for parents or parent to parent family support
- One-on-one support or office hours with a trained ADR facilitator on communication strategies
- Voluntary mediation with the LEA, public agency, or SELPA

What is Individualized Education Program Facilitation?

Facilitation of IEPs is an option for using an impartial third party to foster effective communication and to assist the IEP team in problem-solving any disagreements related to a student's IEP. State-sponsored IEP facilitation is a voluntary process, so both parents and LEAs or public agencies must agree to facilitation.

California currently does not offer IEP facilitation services at a statewide level, although some LEAs and specific regions within the state have developed local practices within their continuum of ADR options. Please contact your local SELPA for additional information on what is available in your region. Information regarding SELPAs is available on the [CDE California SELPA web page](#).

Additionally, the CDE contracts with Key2Ed to develop a statewide IEP facilitation network model pursuant to Senate Bill 129. With the support of the CADRE, Key2Ed has been tasked with analyzing and incorporating California's current special education structure in the development of the IEP facilitation network model, including, but not limited to, relationships between LEAs, county offices of education (COEs), SELPAs, and other invested educational partners. The IEP facilitation network model will be specific to the needs and reflective of California. Per the contract with the CDE, Key2Ed will solicit feedback from each of the geographical regions throughout California to ensure that the model accounts for the diversity of resources and needs throughout the state of California.

The IEP facilitation model developed by Key2Ed will delineate policies and procedures to ensure that IEP facilitation services are provided by neutral, trained facilitators in compliance with relevant state and federal law. The IEP facilitation network model developed will also incorporate nationally recognized best practices for state IEP facilitation programs while being responsive to the needs of California families and LEAs. This proposed model will be submitted to the state legislature by July 1, 2024.

What are Alternative Dispute Resolution coaches?

The ADR Coaches are diverse, skilled individuals, with experience in assisting SELPAs with ADR processes to effectively mitigate educational disputes related to students within the special education setting. The ADR Coaches were selected through an application process through the former ADR California (ADRCa) project, reviewed by a committee made up of ADR Community of Practice members, and they are recommended by one or more LEA or SELPA Administrators. They are independent contractors that negotiate their own contracts with educational organizations.

Examples of ADR Coach supports can include:

- Providing participant and constituent training in ADR practices and strategies
- Assisting school personnel with managing disagreement
- Facilitating IEPs
- Training staff to participate in facilitated IEPs
- Assisting in the development of an ADR program or continuum of services
- Training families to participate in ADR processes

- Facilitating ADR meetings
- Brainstorming family engagement strategies

Please note that ADR coaches are not employees or contractors of the CDE. Any SELPAs or LEAs interested in working with an ADR coach can review their areas of expertise and obtain contact information via the [Seeds of Partnership ADR Coaches web page](#).

What is the Pathways to Partnership project?

The Special Education Resource Leads established under Assembly Bill 178, Section 179, earmarks funding to be allocated by the Superintendent of Public Instruction to SELPAs selected pursuant to *EC* Section 52073.2. Each SELPA resource lead is selected to provide technical assistance to LEAs as defined in *EC* Section 52071. In fiscal year 2023–24, the Ventura County Office of Education (COE) and Ventura County SELPA in addition to the Tehama COE and Tehama County SELPA were selected as joint grantees to receive a Special Education Resource Leads Grant. Under this grant, the Ventura COE, Ventura County SELPA, Tehama COE, and Tehama County SELPA formed the Pathways to Partnership consortium to build capacity, expertise, training, and resources for dispute resolution statewide.

The Pathways to Partnership consortium envisions a statewide educational community with the necessary skill sets to prevent, reduce, and resolve conflicts building trust and mutual understanding between families and educational agencies. The project's vision embraces resolving conflict at the lowest level, preserving relationships with all members of the IEP team, and ensuring the IEP process is the foundation for positive, equitable student outcomes for all students with disabilities. The project's vision also seeks to transform the way in which educators respond to conflict and dispute within the California special education system and Statewide System of Support by establishing a sustainable continuum for dispute prevention and resolution that is accessible to all.

The Pathways to Partnership Project is based on three overarching pillars of support:

- Family and Community Support and Conflict Prevention
- Voluntary ADR
- Facilitated IEP Meetings

For more information on the project, related resources, and to view available training, please visit the [Pathways to Partnership Project website](#).

What funding opportunities are available for Alternative Dispute Resolution?

All SELPAs are eligible for the [Special Education Alternative Dispute Resolution Grant](#) funded under the IDEA Part B, Section 611 to support ADR programs within local SELPA regions. The CDE awards these grants to regional consortia that include LEAs and county offices. Selected LEAs will train and implement an ADR process in responding to and resolving local complaints and concerns regarding the implementation of the IDEA, Part B and relevant state laws.

All SELPAs participating in the program are eligible upon successful completion of an approved Special Education ADR Grant application. They are required to develop and participate in local alternate dispute resolution activities as part of a regional consortium. Selected SELPAs are required to collect, maintain, and provide data concerning special education ADR expenditures, along with information about the development and testing of procedures, materials, and training for ADR in special education.

Mediation

What is mediation?

Mediation is an impartial process to resolve disagreements between the parent of a student or adult student with a disability who have a dispute concerning the student's education and the LEA or other public agency. Mediation can be used as a stand-alone service or to mediate a due process complaint prior to a due process hearing (34 *CFR* Section 300.506). Mediation may also be used to resolve issues raised in a state compliance complaint [34 *CFR* Section 300.152(a)(3)(ii)].

Mediation enables parties to have confidential discussions with a qualified and impartial mediator with the goal of resolving the dispute and executing a legally binding written agreement reflecting that resolution [34 *CFR* Section 300.506 and 34 *CFR* 300.152(a)(3)(ii)]. Confidentiality provisions are discussed with parties at the beginning of mediation proceedings, but participants are not required to sign confidentiality agreements in order to begin mediation. All discussions that occur in mediation are confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding (34 *CFR* Section 300.506).

Mediation is voluntary, so all parties must agree to participate. It is important to note that if one of the parties does not want to participate in mediation, then the mediation will not occur. In this event, the parties who filed a joint request for mediation with a due process complaint will proceed to a due process hearing. If parties participate in mediation but do not resolve their dispute during mediation, they have the option to move forward with a due process hearing. Whether there is resolution of the issues, or an agreement is created during mediation, depends upon the participants. Participants must work on solutions together and are in control of the outcome. Complex situations may require multiple mediation sessions to come to agreement.

While mediation cannot guarantee specific outcomes, it can be the most efficient and effective means for resolving a dispute between the parents and the LEA, or as appropriate, the CDE or another public agency.

The use of mediation can achieve the following benefits:

- Mediation focuses on the strengths of all parties to address disputes.
- Mediation helps to preserve a cooperative relationship between the parents of the students receiving special education services and LEAs or other public agencies because the dispute is settled by mutual agreement.
- Mediation provides a foundation for all parties to problem-solve in the future.
- Mediation allows for greater flexibility and enables parties to have more control over the process and decision-making.

- Mediation often results in written agreements where parties have an increased commitment to and ownership of the resolution.
- Remedies are often individually tailored, contain workable solutions, and are easier for the parties to implement.
- Mediation can be less time consuming. Resolutions can be implemented immediately if an agreement is reached in mediation while the due process complaint process and due process hearing decisions take much longer.
- Mediation may be helpful in resolving issues that are subject to state compliance complaints or due process complaints.
- Mediation can result in lower financial costs compared to due process proceedings.

Pursuant to *EC* Section 56504.5, the CDE, SED oversees an interagency agreement with the DGS, OAH to provide mediation services pursuant to and in accordance with the requirements of federal and state laws and regulations. The CDE allocates federal IDEA funding for the interagency agreement with the DGS, OAH to ensure that mediation is available at any time with no costs to either the parents, LEA, or public agencies to participate in the mediation process (34 *CFR* Section 300.506).

To view the CDE's current interagency agreement with the DGS, OAH to implement due process complaint hearings and mediation processes, please visit the [DGS, OAH Resources web page](#).

When can mediation be used?

The CDE, SED, in collaboration with the DGS, OAH, has established mediation procedures to allow LEAs and other public agencies and parents to resolve any matter regarding special education, including matters arising prior to the filing of a due process complaint (*EC* Section 56500.3) and the mediation of state compliance complaints (34 *CFR* 300.152). Mediation is available anytime there is a disagreement between parents and educators about special education and/or related services. Mediation can be used to address disputes regarding the identification, initial evaluation, reevaluation, or educational placement of a child with a disability, or the provision of FAPE to a child with a disability. This also includes any other matters arising under 34 *CFR* Part 300 that may not be the subject of a due process complaint. Pursuant to 34 *CFR* Section 300.506(a), mediation may be used before a parent revokes consent for the continued provision of special education and related services.

Mediation is available to parents and public agencies to resolve matters arising prior to the filing of a due process complaint and parties are not required to file a due process complaint before they can request mediation. The DGS, OAH refers to these cases as "Mediation Only" cases. Participation in "Mediation Only" cases is voluntary.

A parent, LEA, or other public agency may file a request for mediation with the DGS, OAH pending a due process hearing. These are referred to as “Dual” cases by the DGS, OAH. Mediation can be used in lieu of the resolution session but both parties must agree, and participation is voluntary.

Mediation is also available to parents and LEAs or other public agencies to resolve a state compliance complaint. Both parties must agree to participate in mediation. Additionally, the parent and public agency may agree in writing to extend the complaint timeline so they can participate in mediation. Mediation of state compliance complaints is also conducted by the DGS, OAH under the direction of the CDE, SED. Once a party submits a written request for mediation of a state compliance complaint and the scheduling information to the CDE, ODR, the CDE will forward this information to the DGS, OAH. Please see the State Compliance Complaints section of this manual for additional information on how to request this type of mediation.

When can mediation not be used?

The IDEA, Part B regulations prohibit a LEA or public agency from using mediation to override the following:

- A parent’s or an adult student’s failure to respond to a request for, or refusal to consent to, the initial provision of special education and related services [34 *CFR* Section 300.300(b)(3)(i)]
- A parent’s or adult student’s revocation of consent for the continued provision of special education and related services to his or her child [34 *CFR* Section 300.300(b)(4)(ii)]
- A parent’s or adult student’s refusal to consent, or failure to respond to a request to provide consent to an initial evaluation or reevaluation of a child who is home schooled or parentally placed in a private school at parental expense [34 *CFR* Section 300.300(d)(4)(i) and Section 300.520]

LEAs and public agencies must preserve the parent’s right to refuse consent for their child’s receipt of special education and related services, and mediation may not be used once a parent revokes consent. LEAs and public agencies may propose mediation in situations where a parent refuses consent to an initial evaluation or reevaluation for special education and related services. LEAs or public agencies may also seek to engage in mediation if a parent fails to respond to a request to provide consent to an initial evaluation.

Who participates in mediation?

A parent, adult student, LEA, or other public agency involved in a special education dispute may request mediation. The parties who can participate in mediation include the parents of a child with a disability or the adult student, LEAs, or other public agencies that have responsibility for the education of the student with a disability

(34 *CFR* sections 300.506 and 300.228). A public agency can include LEAs, charter schools that are not otherwise included as LEAs and are not considered a school of an LEA, and any other political subdivisions of the State that are responsible for providing education to children with disabilities. The LEA representative present at the mediation must have the authority to commit the LEA to any decision made (34 *CFR* Section 300.33).

Generally, mediation discussions include the mediator, the parents, and an LEA or public agency representative. The LEA or public agency representative must designate someone who is knowledgeable about the issues and has decision-making authority. If the mediation is part of a “Mediation Only” case, an attorney or independent contractor used to provide legal advocacy services may not attend or otherwise participate in a mediation session [*EC* Section 56500.3(a)]. However, this does not preclude the parent or public agency from being accompanied or advised by non-attorney representatives in mediation and parties may consult with an attorney before or after the mediation [*EC* Section 56500.3(b)]. If the mediation is part of a due process hearing and mediation case, or “Dual” case, parties can choose if they want to have an attorney represent them or to be accompanied and advised by someone with special knowledge or training specific to children with disabilities.

Because successful mediation often requires that both parties understand and feel satisfied with the plan for conducting a mediation session, it is best practice to discuss and disclose who, if anyone, will be accompanying the party at the mediation session prior to that session.

How can I file a request for mediation only services or mediation of a due process complaint?

Special Education mediation may occur by themselves or “Mediation Only” cases, as part of a due process hearing case or “Dual” cases, or when filed jointly with a state compliance complaint. When a parent, adult student, LEA, or public agency disagree about a special education issue, one of the parties must submit a request for mediation in writing.

Requests for Mediation Only

If the LEA or other public agency is filing the request, the appropriate optional model form template is the "Request for Mediation Only Requested by District or Other Public Agency" form. If someone is acting on behalf of the student, such as a parent or legal guardian, then the appropriate optional model form template is the "Request for Mediation Only Filed on Behalf of Student" form. These optional model form templates can be accessed on the [CDE Dispute Resolution web page](#) and the [DGS, OAH Request for Mediation Only web page](#).

Requests for Mediation of a Due Process Complaint

To request a mediation as part of a due process hearing case, the LEA, public agency, or parent may file a request with the DGS, OAH using the “Request for Due Process Hearing and Mediation Requested by District or Other Public Agency” optional model form template. If someone is acting on behalf of the student, such as a parent or legal guardian, then the appropriate optional model form template is the “Request for Due Process Hearing and Mediation Requested on Behalf of the Student” form. These optional model form templates can be accessed on the [CDE Dispute Resolution web page](#) and the [DGS, OAH Request for Mediation and Due Process Hearing web page](#).

Mediation only requests and requests for mediation of due process complaints must be submitted in writing to the DGS, OAH using one of the following options:

- Fax: 916-376-4207
- U.S. Postal Mail or hand delivery:

Office of Administrative Hearings
2349 Gateway Oaks Drive, Suite 200
Sacramento, CA 95833

- [DGS, OAH Secure e-File Transfer \(SFT\) System](#)

The DGS, OAH SFT system replaces the DGS, OAH’s previous method of sending and receiving documents through email attachments and is the preferred method of delivery for the DGS, OAH. Parties or attorneys will create a password-protected free account at the SFT and will use that account for both sending documents to and receiving documents from the DGS, OAH.

If a parent is unable to either electronically file documents using the SFT, send documents by mail, or hand deliver the documents, please call the DGS, OAH by phone at 916-263-0880 for assistance.

The DGS, OAH has established procedures permitting a due process complaint to be filed electronically using the SFT system, including with the use of an electronic signature. The SFT system ensures that there are appropriate safeguards to protect the integrity of the process for all parties using the electronic filing system. The DGS, OAH’s SFT system authenticates each party as the source of the consent and ensures that all confidentiality requirements that apply to written due process complaints apply to due process complaints filed electronically (34 *CFR* Section 300.611–300.626). All due process complaints submitted using the SFT have the same effect as if it were filed in writing.

How can I request mediation of a state compliance complaint?

Mediation may help resolve issues that give rise to state compliance complaints. State compliance complaints alleging a violation of special education law can be filed with the CDE pursuant to 34 *CFR* Section 300.151 and *EC* Section 56500.2. A parent who files such a complaint, and the LEA or other public agency that is the subject of the compliance complaint, can participate in state-level mediation [34 *CFR* Section 300.152(a)(3)(ii)] of the complaint filed with the CDE. Parties may agree to extend the CDE's 60-day timeline for resolving a state compliance complaint in order to participate in mediation with a neutral, state-level mediator [34 *CFR* Section 300.152(b)].

The requesting party must submit a written request for mediation of a state compliance complaint in addition to providing scheduling information for mediation of a state compliance complaint. Parties may use the ["Request for Mediation of State Complaint" optional model form template](#) and the ["Scheduling Information for Mediation of a State Complaint" form](#). If parties wish to receive these form templates in Spanish, they may contact the CDE investigator assigned to their case.

Requests for mediation of a state compliance complaint and scheduling information must be sent to the CDE, ODR using one of the following methods:

- Email: speceducation@cde.ca.gov
- Fax: 916-327-3704
- U.S. Postal Mail or hand delivery:

California Department of Education
Special Education Division
Office of Dispute Resolution
1430 N Street, Suite 2401
Sacramento, CA 95814-5901

Mediation of state compliance complaints is also conducted by the DGS, OAH under the direction of the CDE. Once the parties have submitted a written request for mediation of a state compliance complaint and the scheduling information to the CDE, ODR, the CDE will forward this information to the DGS, OAH. If both parties named in the mediation request agree to pursue mediation, the DGS, OAH will issue a notice and attempt to schedule the mediation on the date requested by the parties. If the requested date is not available, the DGS, OAH will contact the parties to schedule a new date. Please see the mediation sections above regarding scheduling and accommodations available for mediation proceedings with the DGS, OAH.

For any questions related to requests for the mediation of a CDE state compliance complaint, please contact either the investigator assigned to your case provided the

case is opened or contact the CDE, Dispute Resolution Services unit by phone at 1-800-926-0648.

What are the qualifications required for mediators and how are they selected?

Under the oversight of the CDE, the DGS, OAH ensures that mediations are conducted by a qualified and impartial mediator who is trained in effective mediation techniques [34 *CFR* Section 300.506(b)]. A trained mediator from the DGS, OAH is always present at the mediation to help the parties attempt to solve the issues in dispute. In California, a mediator must hold a minimum of a Bachelor of Arts or Bachelor of Science degree from an accredited college or university. Mediators must also complete the minimum training discussed in the mediator training section below.

The mediator may not be an employee of the CDE, the LEA, or other public agency that is involved in the education or care of the child and must not have a personal or professional interest that conflicts with the mediator's objectivity [34 *CFR* Section 300.506(c)(1)]. The CDE, in collaboration with the DGS, OAH, maintains a list of qualified mediators. Mediators are selected and assigned to a case on a random, rotational basis and cannot request to be assigned to a specific case for any reason. To ensure impartiality of mediators, parties may not select a mediator to preside over a mediation proceeding. If the matter addressed within mediation proceeds to a due process hearing, a different hearing officer is selected from the DGS, OAH list to conduct the subsequent hearing.

The CDE and DGS, OAH offer an opportunity for mediation participants to provide anonymous survey feedback following mediation proceedings using the [DGS, OAH Special Education Hearing or Mediation Survey](#). The DGS, OAH provides mediation participant survey data to the CDE on a quarterly basis.

What training is required for mediators?

Under the direction of the CDE, the DGS, OAH ensures that mediators are appropriately trained to conduct special education mediations. Pursuant to 5 *CCR* Section 3098.1(a), mediators shall have completed at least 20 hours of training in mediation theory, techniques, and practices, which may include practical, clinical, or simulated training, and shall include, but not be limited to:

- a. Mediation purposes
- b. Evaluating cases for mediation
- c. Mediation and mediator's ethics
- d. Confidentiality in and after mediation
- e. Negotiation theory

- f. Approaches to conflict resolution
- g. Preparation for mediation
- h. Mediator's opening
- i. Stages of mediation
- j. Identification and narrowing of issues
- k. Communications skills
- l. Use of caucuses
- m. Strategies for dealing with recurring mediation problems
- n. Recognizing opportunities in mediation
- o. Recognizing and dealing with impasse and closure
- p. Multi-party mediation
- q. Post-mediation issues
- r. Resources for mediators

Mediators also receive training on the Americans with Disabilities Act (ADA) and Rehabilitation Act, and Section 504 requirements, including, but not limited to, ADA accessibility at locations where mediations are conducted.

Pursuant to 5 *CCR* Section 3098.1(b), in addition to the initial training identified above and prior to conducting mediation, a mediator shall have completed at least 20 hours of training in special education disputes, which may include practical, clinical, or simulated training, and which shall include, but not be limited to, the following subjects:

- a. The substantive and procedural laws relating to the IDEA (20 *USC* Section 1400–1482), including, but not limited to:
 - Federal and state regulations pertaining to the IDEA and legal interpretations of this Act by federal and state courts
 - California *EC* Title 2, Division 4, Part 30, commencing with Section 56000 and implementing regulations
 - Related federal and state statutes, regulations and court and administrative rulings interpreting or implementing all the above
- b. Common disabilities and their impact on human functioning

- c. The impact of common disabilities on students in an educational environment
- d. Disability awareness
- e. Options for the accommodation of disabilities in education and elsewhere
- f. Services and supports available to students with exceptional needs
- g. Adaptation of general techniques to special education disputes
- h. Participation of children with exceptional needs in special education disputes
- i. Participation of parents, guardians, and representatives of children with exceptional needs in special education disputes.

Pursuant to 5 CCR Section 3098.1(c), in addition to the initial 40 hours of training described above, mediators must complete at least 20 hours of continuing education during each fiscal year. This continuing education shall include training in mediation and the mediation of special education disputes, which may include practical, clinical, or simulated training, and which shall include, but not be limited to, further study of, and developments in, those subjects identified in the sections above. The DGS, OAH provides training documentation for CDE review on a quarterly basis.

How is mediation scheduled?

Per the IDEA, mediation must be scheduled in a timely manner [*California Rules of Court*, Rule 3.857(a)]. The DGS, OAH will not set a mediation date in a due process hearing case unless the parties submit a joint request for mediation with agreed upon mediation dates. The scheduling order will identify the date by which the parties will need to submit this joint request for mediation.

When a request for Mediation Only is received, the DGS, OAH will schedule a mediation conference within 15 calendar days of receipt of the request [EC 56500.3(e)]. Mediation activities will be concluded within 30 days of receipt of the request. If the parties are not available on the date set by DGS, OAH the parties can agree to a new date and submit the desired date to the DGS, OAH for scheduling. If one of the parties does not agree to participate in the Mediation Only process, DGS, OAH will close the request. Mediation is voluntary, and the petitioner may withdraw their request for mediation and the mediator will close the case. Mediations may be requested for any day of the week, Monday through Friday. Requests may be made up to the date before the requested date but the date will only be approved if the date is available on the DGS, OAH's calendar. Parties are encouraged to submit a written request for mediation date at least 10 business days before the mediation to ensure approval for the date the parties have selected. The DGS, OAH will issue an order within two business days after a date has been requested to confirm whether the date requested has been approved. For more information on scheduling, please see the [DGS, OAH Requesting an Initial Mediation web page](#).

In collaboration with the CDE, the DGS, OAH ensures that each session in the mediation process must be scheduled in a timely manner and must be held in a location that is convenient to the parties to the dispute. [34 *CFR* Section 300.506(b)(5)].

The [DGS, OAH Mediation Process web page](#) outlines additional information about mediation. For additional support, please contact the DGS, OAH by phone at 916-263-0880.

What accommodations are available during the mediation process?

The ADA (42 *USC* Section 12101, et seq.) is a federal civil rights statute that requires state governmental entities, such as the DGS, OAH, to accommodate the needs of qualified individuals who have an interest in the DGS, OAH's activities, programs and services. Any person with a disability that restricts their ability to participate in mediation with the DGS, OAH may request reasonable accommodation by contacting the clerk assigned to the Special Education case by the DGS, OAH.

For more information on requesting accommodations, please contact the DGS, OAH by phone at 916-263-0880 or visit the [DGS, OAH Accommodations web page](#).

What happens if both parties reach an agreement during mediation?

If the parties agree on how to resolve a dispute through the mediation process, all parties must execute a legally binding written agreement that sets forth the resolution (agreement). The written agreement must state that all discussions that occurred during the mediation process will remain confidential and may not be used as evidence in a subsequent due process hearing or civil proceeding. This legally binding agreement must be signed by both the parent and a representative of the public agency who has the authority to bind the agency [34 *CFR* Section 300.506(b)(6)]. When all parties sign the written agreement, it becomes a legally binding contract.

Once signed, the mediation agreement is enforceable in any California state court of competent jurisdiction or in a district court of the United States [34 *CFR* Section 300.506(b)(7)].

How does the State enforce mediation agreements?

The DGS, OAH facilitates the mediation process but does not enforce settlement agreements. Allegations that an LEA or other public agency have violated the terms of a settlement agreement relating to the provision of a FAPE or failed to implement a due process hearing order to which that LEA or other public agency is subject, may be investigated by the CDE, ODR. An allegation relating to an attorney fees provision in a settlement agreement is expressly excluded [5 *CCR* 3201(c)]. Use of these mechanisms is not mandatory and does not delay or deny a party the right to seek enforcement of the written agreement in a State court of competent jurisdiction or in a district court of the United States [34 *CFR* sections 300.510(d)(2) and 300.537].

For more information, please see the State Compliance Complaints section of this manual or visit the [CDE Dispute Resolution web page](#).

What happens if agreement cannot be reached during mediation?

Mediators are trained to help the parties talk to each other and try to reach an agreement. When parties cannot come to an agreement at the initial mediation session, they may continue talking to each other about the issues and possible ways to solve their differences. If an agreement is not reached during mediation, both parties may:

- a. Submit a written request to attempt mediation again at a later date
- b. Proceed with a due process hearing
- c. For mediation only requests, file a due process complaint or a state compliance complaint
- d. Seek another means of resolving the dispute

State Compliance Complaints

Federal regulations require the CDE to adopt written procedures for the investigation and resolution of any state complaint alleging that a local education agency or other public agency has violated certain requirements of the IDEA. California law also requires the same obligations of CDE and includes violations of state special education law.

This information is designed to help parents, guardians, students, and individuals considering filing a complaint understand California's administrative complaint process. It is not intended to interpret, modify, or replace any procedural safeguards or requirements of federal or state law. The information does not constitute legal advice nor is it a substitute for legal advice.

The CDE encourages parents or other individuals to work collaboratively with the LEAs or other public agencies to resolve differences at the earliest possible point of disagreement. Successful resolution at the local level may lead to the withdrawal of the complaint, rendering further state investigation unnecessary.

Alleged noncompliance by a LEA or other public agency regarding special education statutes and regulations may be reported to the CDE, SED through the compliance complaint process. The CDE, ODR receives and opens state compliance complaints. An ODR or Dispute Resolution Services Unit investigator completes the investigation and issues an investigation report that may prescribe corrective actions to be completed by the LEA or other public agency, with due dates, to address any findings of noncompliance.

What is a state compliance complaint?

A written signed complaint is a formal request to the CDE to investigate allegations in which the complainant believes the local educational agency (e.g. student's school district) has violated special education law or regulation, federal or state. Complaints may concern one child or student, or a group of students.

Examples of when a person might file a written state complaint include:

- *The complainant believes the school district is not providing the services included in the child's IEP.*
- *A copy of the child's June 1, 20XX IEP was requested by the complainant and the District did not provide it.*

Who may file a complaint?

Anyone, including parents, students, teachers, and agency representatives may file complaints to resolve education disputes. The person filing a complaint is the

complainant. The complaint must meet requirements as explained in law and summarized in this document.

What information must be included in a special education state complaint?

Written state complaints must include the following details:

- A statement that a public agency (including the name of the LEA or other public agency, spelled out) has not followed a requirement of federal or state special education law (this is called the allegation)
- The supporting facts on which the statement is based (information that supports his/her belief that a violation has occurred)
- The signature and contact information for the person filing the complaint

If the complaint concerns a specific child, the following information must also be included:

- The child's name and address
- The name of the child's school (if different, identify the school where the alleged violation took place)
- In the case of a homeless child or youth, contact information for the student
- A description of how the alleged violation affected the student (i.e. the nature of the problem to the student), including facts relating to the problem
- A proposed resolution of the problem to the extent known and available to the complainant at the time the complaint is filed with the CDE

The complainant must also forward a copy of the complaint request to the LEA or public agency serving the student at the same time the complaint is filed with the CDE.

The requesting party must submit a written request for mediation of a state compliance complaint in addition to providing scheduling information for mediation of a state compliance complaint. Parties may use the ["Request for Mediation of State Complaint" optional model form template](#) and the ["Scheduling Information for Mediation of State Complaint" form](#). If parties wish to receive these form templates in Spanish, they may contact the CDE investigator assigned to their case.

The complainant may also write the complaint as a letter, making sure to include the required components indicated above.

The 60-day timeline for the CDE to issue its decision begins on the date the Office of Dispute Resolution receives all the required information above.

What can delay or prevent an investigation from occurring?

Complaints that do not include the required components under the law or complaints regarding laws outside of special education can result in a delay to open an investigation or prevent an investigation from being completed by the special education division's ODR. Additionally, failure at the time of filing to forward a copy of the complaint to the LEA or public agency that is the subject of the complaint can also delay an investigation.

Is there a time limit for submitting a complaint to the CDE?

Complaints must allege a violation that occurred not more than one year prior to the date that the complaint is received.

Where is a complaint filed?

Complaint requests can be submitted to the CDE in one of the following ways:

- Email: speceducation@cde.ca.gov
- Fax: 916-327-3704
- U.S. Postal Mail or hand delivery:

California Department of Education
Special Education Division
Office of Dispute Resolution
1430 N Street, Suite 2401
Sacramento, CA 95814-5901

How long does it take to complete an investigation?

Investigations are completed within 60 days of receipt in the CDE, ODR. The 60-day time limit may be extended if exceptional circumstances exist with respect to a particular complaint.

What happens after I file a written state complaint?

The CDE's role is to be a neutral factfinder and to promptly resolve complaints. The CDE does not act as an advocate for either party.

1. When a complaint request is received, the request is screened to ensure all the required information has been provided.

2. A determination will be made as to whether the alleged violation(s) relate to a requirement of special education law; whether the alleged violation(s) occurred not more than one year prior to the date that the complaint is received; or whether there is missing information.
3. The complainant may be contacted using the information provided by the complainant in the complaint request to clarify any missing information and provide an opportunity for the complainant to clarify or provide additional information related to the allegations received by the CDE.
4. Once the allegations are confirmed and the required information is obtained, both the complainant and the local education agency will receive a notification letter indicating the allegations to be investigated. The CDE will also provide a courtesy copy of the complaint request to the LEA or other public agency.
5. The CDE encourages cooperative, collaborative relationships by making available voluntary mediation of special education complaints received. (Please see below for description, procedures, and forms).
6. As part of the CDE's required responsibilities, the LEA or other public agency will be given an opportunity to respond to the complaint. The investigator will request the LEA or other public agency to submit a response with materials addressing the allegations and/or any related materials the LEA wishes the CDE to consider within a prescribed time period.

CAUTION: Refusal by the LEA or other public agency to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

In addition, refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegations.

7. The investigation is based on a gathering of facts about the allegation(s) through:
 - a. Communications with both parties confirming the allegation(s)
 - b. Communication to obtain clarification or additional information and facts, from both the Complainant and LEA or other public agency specific to the allegations

- c. Review of documents submitted by both parties (i.e. service logs and schedules, assessment documents, IEPs, IEP team meeting minutes, prior written notices, settlement agreements, etc.)
 - d. Interviews arranged with school staff, if necessary
 - e. A visit to the school may occur, if the CDE decides it is necessary
8. The investigator shall review all relevant documents and information gathered and determine whether the LEA or other public agency has violated a requirement of federal or state special education law and provide a written decision referred to as the complaint investigation report.
9. The written decision report will be mailed within 60 calendar days of the complaint resolution unit's receipt of the complete complaint request.

What is a written state complaint report?

The purpose of the state complaint investigation report is to provide a written decision that addresses each alleged violation of special education law.

The report includes:

- Allegation summary (the problem you allege)
- General investigation procedures (how CDE made its decision of compliance or noncompliance)
- Applicable law and regulation
- Findings of Fact
- Conclusions (compliance or noncompliance)
- Corrective actions and timelines for completion, if applicable

The CDE sends copies of the investigation report to the complainant, the LEA or other public agency, and the parent, if different from the complainant.

What if there is noncompliance?

If the investigation finds noncompliance, it will include corrective actions. The CDE may require the LEA or public agency for example, to:

- Conduct further assessments
- Submit plans outlining proposals to correct violations and prevent future ones
- Initiate personnel training in the areas of violations

- Provide compensatory education or reimbursement
- Review and/or revise procedures and practices
- Participate in monitoring and reporting activities
- Convene an IEP meeting

The outcome of the written state complaint is a final decision, which must include “corrective actions” that are required to address the needs of the student or group of students involved in the complaint and appropriate future provision of services for all children with disabilities, if the district is found out of compliance.

Any noncompliance will be monitored for completion by the CDE, ODR staff.

What if I disagree with the report?

California offers a reconsideration process for written state complaint decisions. As explained at the end of the investigation report, either party (complainant or public agency) may request reconsideration.

The reconsideration process steps are as follows:

1. Send your reconsideration request no later than 30 days from the date appearing on the investigation report
2. Submit your request by email at speceducation@cde.ca.gov or by fax at 916-327-3704
3. Identify the reason(s) for your request including:
 - Findings are insufficient to reach a conclusion of law
 - Finding(s) of fact are not supported by substantial evidence
 - Conclusion(s) are inconsistent with the law
 - Corrective action(s) fail to provide proper remedy

What happens when my reconsideration request is received?

Upon receiving your reconsideration request, the CDE will:

- Send you a receipt letter notifying you we have received the request
- Review your request
- Review the original investigation report
- Review the evidence presented during the investigation
- If necessary, gather additional information
- Within 60 days, either modify the report or deny the request

The CDE will not consider information not previously submitted on reconsideration unless it was not known to the party during the CDE's investigation and could not have become known to the party during that time with due diligence [5 CCR Section 3204(b)]. The CDE retains the discretion to seek out additional information from any source in order to ensure an accurate report [5 CCR Section 3204(c)]. The CDE can make corrections to a report to ensure factual and/or legal accuracy [5 CCR Section 3204(d)].

How do local educational agencies or public agencies respond to a complaint?

Districts cooperate by responding to the allegations during the investigation period and submitting relevant evidence, specified in the investigation report's corrective actions in a timely manner.

What are the State's responsibilities in the state compliance complaint process?

The CDE:

- Reviews the complaint and determines if all the required components are addressed, including contacting the LEA or other public agency and complainant
- Adheres to timelines
- Sends investigation report copies as appropriate
- Monitors and informs LEAs or other public agency of progress toward resolution of corrective actions
- Reconsiders investigation reports when requested and according to the state law
- Retains all documents in accordance with the CDE policy

For more information regarding state compliance complaints, please contact the CDE, ODR by email at speceducation@cde.ca.gov.

Due Process Complaints and Hearings

What is due process in special education?

Due process in special education refers to the rights and procedures related to resolving disputes between parents and districts. Under the IDEA, a parent, adult student, LEA, or public agency may file a due process complaint on any special education related matters relating to the identification, evaluation or educational placement of a child with a disability, or the provision of FAPE to the child (34 *CFR* Section 300.507). Both parents and LEAs or other public agencies have the right to file a due process complaint.

Pursuant to *EC* Section 56504.5, the CDE, SED oversees an interagency agreement with the DGS, OAH to monitor, track, provide training, and manage cases of due process complaints in adherence with all federal and state laws and regulations. Every special education due process complaint, hearing, and review must be provided at no cost to the student, or the parent of the student. The CDE assumes the cost of the due process complaint hearing, including the due process hearing officer, location, and the provision of transcripts. Attorney's fees and other associated costs, such as expert witness fees, are the responsibility of the parties involved.

What is a due process complaint?

A due process complaint is a written complaint filed by a parent, adult student, LEA, or other public agency related to the identification, evaluation, placement, or provision of a FAPE for a child with a disability. Whenever a due process complaint is received, the parties involved in the dispute must have an opportunity for an impartial a due process hearing [34 *CFR* 300.511(a)].

A due process complaint must allege a violation that occurred not more than two years before the date the parent or public agency knew or should have known about the alleged action that forms the basis of the due process complaint. As indicated in the Notice of Procedural Safeguards, California is considered a one-tiered due process system. This means that the CDE is responsible for overseeing the implementation of all state and federal requirements for conducting due process hearings. The CDE oversees an interagency agreement with the DGS, OAH to implement the due process complaints and hearings process in alignment with federal and state regulations. In one-tiered systems, all appeals from a due process hearing decision are brought directly to federal or state court.

The IDEA does not preclude a parent from filing multiple due process complaints as long as each complaint pertains to issues separate from an existing due process complaint that has been filed [34 *CFR* Section 300.513(c)].

What is a due process hearing?

A due process hearing is a formal procedure used to decide disagreements between parents, adult students, and a LEA or public agency. The CDE holds an interagency agreement with the DGS, OAH for the implementation of all state and federal requirements for due process complaints and hearings. All due process hearings are facilitated by the DGS, OAH under the supervision of the CDE [34 *CFR* Section 300.511(b)].

During a due process hearing, all parties can present their evidence and arguments, and an impartial special education due process hearing officer makes a ruling to solve the disagreement. All witnesses are placed under oath and each party may testify and ask witnesses questions. Mediation is available at any time during the due process proceedings. Even if the parties have cancelled mediation or want a second mediation, they may agree to a date for it and send a written request to the DGS, OAH.

Only the issues that were raised in the due process complaint filed can be discussed at the due process hearing. Parties may not raise new issues at the due process hearing unless the other party agrees otherwise [34 *CFR* Section 300.511(d)]. The hearing officer considers all facts and specific circumstances of the case and determines whether to address issues raised by the non-complaining party that were not in the original complaint.

When parents hire an attorney for a hearing, they must notify the LEA or public agency at least 10 days before the due process hearing. An attorney must file a “notice of representation” with the DGS, OAH and must serve all other parties with this notice. If parents hire an attorney less than 10 days before the due process hearing, the attorney may request a continuance of the hearing. The DGS, OAH provides a list of attorneys who have agreed to provide legal services free or at a reduced cost.

For more information on what to expect during a due process hearing, how to prepare, and to access the list of low cost or free attorneys and advocates can be found on the [DGS, OAH Due Process Hearing web page](#).

What are the rights of each party during due process hearings?

Parties involved in due process proceedings pursuant to 34 *CFR* sections 300.507–300.513 or 34 *CFR* Section 300.530–300.534, or appeals conducted pursuant to 34 *CFR* Section 300.514 have the right to:

- Be accompanied by legal counsel and by individuals with special knowledge or training with respect to the challenges of children with disabilities.
- Present evidence and confront, cross-examine, and compel the attendance of witnesses.

- Prohibit the introduction of any evidence at the hearing which has not been disclosed to that party at least five business days before the hearing.
- Obtain a written or, at the option of the parents, electronic, verbatim record of the hearing.
- Obtain written or, at the option of the parents, electronic findings of fact and decisions [34 *CFR* Section 300.512(a)].

At least five business days prior to a hearing, each party must disclose to all other parties all evaluations completed by that date and recommendations based on the offering party's evaluations that the party intends to use at the hearing. Hearing officers may bar any party that fails to comply with this requirement from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party [34 *CFR* Section 300.512(b)].

What are parental rights during a due process hearing?

Parents involved in hearings must be given the right to have the child who is the subject of the hearing present, to open the hearing to the public, and to obtain the record of the hearing including the findings or decisions at no cost to the parents [34 *CFR* Section 300.512(c)].

When a student with a disability becomes an adult under California state law at the age of 18, all IDEA rights, including the right to request a due process hearing, transfer to the adult student. Parents do not have the legal right to request a hearing for their adult student unless one of the following exceptions apply:

- The adult student has been determined to be incompetent under State law (*EC* Section 56041.5).
- A judicial order or decree identifies a specific person(s) to make educational decisions on behalf of the adult student [*EC* 56028(b)(2)]. The adult student has transferred their educational rights to the parent.

What is the status of the student during due process proceedings?

The child involved in a due process complaint must remain their current educational placement except as provided in 34 *CFR* Section 300.533, during the pendency of any administrative or judicial proceeding regarding a due process complaint notice requesting a due process hearing under 34 *CFR* Section 300.507, unless the LEA or other public agency and the parents of the child agree otherwise [34 *CFR* Section 300.518(a)]. This is commonly referred to as the "stay put" provision.

If the complaint involves an application for initial admission to public school, the child, with the consent of the parents, must be placed in the public school until the completion of all due process proceedings [34 *CFR* Section 300.518(b)].

If the complaint involves an application for initial services under this part from a child who is transitioning from Part C to Part B services and is no longer eligible for Part C services because the child has turned three, the public agency is not required to provide the Part C services that the child had been receiving. If the child is found eligible for special education and related services under Part B and the parent consents to the initial provision of special education and related services under 34 *CFR* Section 300.300(b), then the public agency must provide those special education and related services which are not in dispute between the parent and the public agency.

If the hearing officer in a due process hearing agrees with the child's parents that a change of placement is appropriate, that placement must be treated as an agreement between the State and the parents [34 *CFR* Section 300.518(d)].

How can I file a due process complaint and request a due process hearing?

The DGS, OAH, in collaboration with the CDE, SED, has developed optional model form templates to assist parents and other parties in filing a due process complaint (34 *CFR* Section 300.509). The use of the optional form template is not required for parties to file a due process complaint, but all written complaints must include the required information.

Pursuant to 34 *CFR* Section 300.508(b), written due process complaints filed with the DGS, OAH must include the following information:

- The name of the child
- The address of the residence of the child
- The name of the school the child is attending
- In the case of a child experiencing homelessness, available contact information for the child and the name of the school the child is attending
- A description of the nature of the problem, including relevant facts
- A proposed resolution of the problem to the extent known and available to the party

If the LEA or other public agency is filing the request, the appropriate optional form is the "Request for Due Process Hearing and Mediation Requested by District or Other Public Agency" form. If someone is acting on behalf of the student, such as a parent or legal guardian, then the appropriate optional form is the "Request for Due Process Hearing and Mediation Requested on Behalf of Student" form. Links to these optional form templates and available translations can be accessed on the [CDE Dispute Resolution web page](#) and on the [DGS, OAH Request for Mediation and Due Process Hearing web page](#).

If the LEA or other public agency wishes to file a request for a due process hearing without requesting mediation, the appropriate optional form is the “Request for Due Process Hearing Only Filed on Behalf of District or Other Public Agency” form. If someone is filing a request for a due process hearing without requesting mediation on behalf of the student, such as a parent or legal guardian, then the appropriate optional form is the “Request for Due Process Hearing Only Filed on Behalf of Student” form. Links to these optional form templates and available translations can be accessed on the [CDE Dispute Resolution web page](#) and on the [DGS, OAH Request for Hearing Only web page](#).

Written due process complaints and requests for due process hearings can be submitted to the DGS, OAH using one of the following options:

- Fax: 916-376-4207
- U.S. Postal Mail or hand delivery:

Office of Administrative Hearings
2349 Gateway Oaks Drive, Suite 200
Sacramento, CA 95833

- [DGS, OAH Secure e-File Transfer \(SFT\) System](#)

The DGS, OAH SFT system replaces the DGS, OAH’s previous method of sending and receiving documents through email attachments and is the preferred method of delivery for the DGS, OAH. Parties or attorneys will create a password-protected free account at the SFT and will use that account for both sending documents to and receiving documents from the DGS, OAH.

If a parent is unable to either file documents electronically using the SFT, send documents by mail, or hand deliver the documents, parties can receive additional assistance by contacting the DGS, OAH by phone at 916-263-0880.

The DGS, OAH has established procedures permitting a due process complaint to be filed electronically using the SFT system, including with the use of an electronic signature. The SFT system ensures that there are appropriate safeguards to protect the integrity of the process for all parties using the electronic filing system. The DGS, OAH’s SFT system authenticates each party as the source of the consent and ensures that all confidentiality requirements that apply to written due process complaints apply to due process complaints filed electronically (34 *CFR* Section 300.611–300.626). All due process complaints submitted using the SFT have the same effect as if they were filed in writing.

The date the due process complaint was received by the DGS, OAH constitutes the beginning of the due process hearing timeline. Complaints received by U.S. Postal Mail are considered received and stamped to initiate the due process timeline on the date they were received in the mail. The DGS, OAH determines the date of receipt of an

electronic complaint using the time stamp attached when submitted through the SFT or via fax. If a complaint is submitted after business hours, on holidays, or weekends, the complaint is considered received and the case timeline begins on the next business day. The DGS, OAH's internal scheduling and data collection system calculates the appropriate due process hearing timelines based on the date received to ensure compliance with federal and state requirements.

How do hearing officers determine the sufficiency of the complaint?

For a due process complaint to be deemed sufficient by a hearing officer, the due process complaint must include all required information (see the previous section on requesting due process hearings for all required elements of a due process complaint).

The due process complaint is deemed sufficient by the hearing officer unless the receiving party notifies the issuing party and the hearing officer in writing, within 15 days of receiving the complaint, they believe the complaint does not meet the requirements in 34 *CFR* Section 300.508(b). In this event, the hearing officer has five days to determine if the complaint is sufficient based on the face of the due process complaint. The hearing officer must immediately notify all parties in writing of that determination [34 *CFR* Section 300.508(d)(2)].

If the hearing officer determines the complaint is not sufficient, the hearing officer's decision will describe how the due process complaint is insufficient. A party may amend its due process complaint only if the other party provides written consent and is given the opportunity to resolve the due process complaint through a resolution meeting (34 *CFR* Section 300.510) or the hearing officer grants permission to amend the complaint at any time not later than five days before the due process hearing begins [34 *CFR* Section 300.508(d)(3)(ii)].

The timelines for the resolution meeting and resolution period begin again with the filing of the amended due process complaint [34 *CFR* Section 300.508(d)(4)]. If the hearing officer determines that the complaint is insufficient and the complaint is not amended, the complaint may be dismissed.

Are there limitations for filing a due process complaint?

There are some limitations for LEAs or other public agencies to file a due process complaint. Public agencies or LEAs cannot file a due process complaint in situations where a parent does not consent to the initial provision of special education and related services or a parent revokes consent for the continued provision of special education and related services [34 *CFR* sections 300.300(b)(3)(i) and 300.300(b)(4)(ii)]. Complaints related to the qualifications of special education teachers of an LEA or other public agency are not subject to due process procedures. However, this may be appropriate for a state compliance complaint [34 *CFR* Section 300.156(e)]. Please see the State Compliance Complaints section of this manual for more information.

There are limited due process rights that apply to parents of parentally placed private school students. A parent does not have the right to request a hearing regarding their child's private school service plan. However, a parent does have the right to request a hearing with the LEA or other public agency to address child find issues (*CFR* Section 300.140).

Disagreements between the parents and a public agency regarding the availability of a program appropriate for the student, and the question of financial reimbursement are subject to due process procedures (34 *CFR* 300.148). Violations alleged in a due process complaint must not have occurred more than two years prior to the date that the parent or public agency knew, or should have known, about the alleged action which forms the basis of the due process complaint unless the parent was prevented from filing a due process complaint due to one of the following:

- Specific misrepresentations by the LEA or other public agency stating it had resolved the problem which formed the basis for the due process complaint
- The LEA or other public agency's withholding of information from the parent which was required [*EC* Section 56505(l)]

How do parties respond to a due process complaint?

If an LEA or other public agency has not sent a prior written notice under 34 *CFR* Section 300.503 to the parent regarding the subject matter contained in the parent's due process complaint, the LEA or public agency must send a response to the parent within 10 days of receiving the due process complaint that includes the following:

- An explanation of why the agency proposed or refused to take the action raised in the due process complaint
- A description of other options that the IEP team considered and the reasons why those options were rejected
- A description of each evaluation procedure, assessment, record, or report the agency used as the basis for the proposed or refused action
- A description of the other factors that are relevant to the agency's proposed or refused action [34 *CFR* 300.508(e)]

When an "other party" (non-LEA) receives a due process complaint, the party must respond, specifically addressing the issues raised in the due process complaint within 10 days of receiving the due process complaint [34 *CFR* Section 300.508(f)].

The requirement to file a response does not preclude an LEA or public agency from asserting that the parent's due process complaint was insufficient, where appropriate [34 *CFR* Section 300.508(e)].

What is a prehearing conference?

The DGS, OAH facilitates a prehearing conference with the parties prior to the due process hearing. A prehearing conference typically takes place 7 to 10 days before a hearing. The date and time of the prehearing conference is stated in the scheduling order sent to the parties by the DGS, OAH at the beginning of the case. The DGS, OAH will notify all parties if the date and time of the prehearing conference changes.

At the prehearing conference, the ALJ will discuss and plan the due process hearing with the parties. The prehearing conference will include, but is not limited to, a discussion of the date and time for the hearing, the projected length of the hearing, the issues presented in the request for due process hearing and the proposed resolutions for the issues for due process hearing, among other issues. The prehearing conference is also an opportunity to determine if the hearing will be open or closed to the public and to decide on who will be in attendance at the hearing [34 *CFR* Section 300.512(c)].

The hearing officer will prepare a written order at the conclusion of the prehearing conference and will send the order to all parties. The order will review all of the issues discussed during the prehearing conference and any directions that must be followed, including how parties must prepare the evidence they wish to submit during the hearing. There may be sanctions or penalties for parties failing to comply with the prehearing conference order. This includes the possibility of evidence not being allowed to be submitted or witnesses not being allowed to testify.

For more information on the purpose of prehearing conferences and how to prepare, please visit the [DGS, OAH Prehearing Conferences web page](#).

What is a resolution period?

During the period of time between the date of filing of the request for a due process hearing and the commencement of the hearing, the IDEA provides a 30-day resolution period as an opportunity to resolve the dispute as early as possible at the local level and to avoid the need for a more costly, adversarial, and time-consuming due process proceeding [34 *CFR* Section 300.510]. At the conclusion of the 30-day resolution period, the 45-day timeline for issuing a final decision addressing the due process complaint begins, unless adjustments to the resolution period have been made [34 *CFR* sections 300.510(b)(2) and 300.515].

Pursuant to 34 *CFR* Section 300.510(c), the 45-day timeline for due process hearings starts the day after one of the following events:

- Both parties agree in writing to waive the resolution meeting
- After either the mediation or resolution meeting starts but before the end of the 30-day period, the parties agree in writing that no agreement is possible

- If both parties agree in writing to continue the mediation at the end of the 30-day resolution period, but later, the parent or public agency withdraws from the mediation process

If both parties agree to use the mediation process but the matter is not yet resolved, at the end of the 30-calendar day resolution period, both parties may agree in writing to continue the mediation until an agreement is reached. However, if either party withdraws from the mediation process, then the 45-calendar day timeline for the due process hearing starts the next day.

What occurs during resolution session?

During the resolution period, the LEA or public agency must convene a meeting known as a resolution session. The purpose of the resolution session is for the parties to discuss the complaint and the facts that form the basis of the complaint so that the LEA or public agency can attempt to resolve the issues without the need for a hearing. This resolution session must occur unless waived in writing by both parties or unless both parties agree to mediation.

The parent or adult student and the LEA or public agency determine the members of the IEP team who need to attend the resolution session [34 *CFR* Section 300.510(a)(4)]. This includes the parent(s) and IEP team members who have specific knowledge of the facts identified in the due process complaint. The meeting must also include a representative of the LEA or public agency who has decision-making authority [34 *CFR* Section 300.510(a)(1)(i)]. All LEAs and public agencies cannot invite an attorney to participate in the resolution session unless an attorney accompanies the parent or adult student [34 *CFR* Section 300.510(a)(1)(ii)].

Under the IDEA, resolution session discussions are not required to be confidential, and may be admitted in a due process hearing or civil proceeding. However, the IDEA does not prohibit LEAs and public agencies from entering into a confidentiality agreement as part of their resolution agreement resolving the dispute outlined in the due process complaint.

What is the timeline for convening a resolution session?

All LEAs or other public agencies must convene a resolution session within 15 days of receiving a parents' complaint unless the meeting is waived by both parties or the parent and the LEA or public agency agree to mediation [34 *CFR* Section 300.510(a)(3)(i–ii)]. This 15-day timeline cannot be suspended by the LEA during school closures, breaks, or holidays. In addition, the LEA or public agency must hold the resolution meeting even if it has challenged the sufficiency of the parent's due process complaint. If the LEA or public agency is the complainant, they are not required to convene a resolution meeting.

Although the use of ADR strategies is encouraged as a means of resolving disputes prior to elevating disagreements to due process proceedings, LEAs and other public

agencies are still required to convene a resolution session in addition to these strategies. If requested by the parent or adult student, the LEA or public agency should offer alternative means of participation such as opportunities to participate via videoconferences or conference telephone calls. All LEAs and public agencies should document all efforts to elicit participation from all parties.

If an LEA or public agency fails to hold the resolution meeting within 15 days of receiving notice of a parent's due process complaint or fails to participate in the resolution meeting, the parent may seek the intervention of a hearing officer to begin the due process hearing timeline [34 *CFR* Section 300.510(b)(5)]. Parents and educational rights holders can contact the DGS, OAH to file a motion to request the initiation of a due process hearing. For more information on filing a motion, please visit the [DGS, OAH Motions web page](#).

Can resolution sessions be waived?

Resolution sessions can only be waived if both parties submit a written waiver or an agreement to utilize the mediation process to resolve their dispute (34 *CFR* Section 300.506). The failure of the parent or adult student filing a due process complaint to participate in the resolution session will delay the timelines for the resolution period and due process hearing until the meeting is held [34 *CFR* Section 300.510(b)(3)].

If the LEA or public agency is unable to obtain parent participation after reasonable efforts have been made and documented, the LEA or public agency may request that a hearing officer dismiss the due process complaint at the conclusion of the 30-day timeline [34 *CFR* sections 300.322(d) and 300.510(b)(4)]. A hearing officer may restart the timeline and order the parent or adult student to attend a resolution session within a certain number of days and dismiss the due process complaint if they do not attend.

How does the State ensure compliance with resolution period requirements?

The CDE monitors LEA and public agency compliance with resolution period requirements as a part of the CDE's general supervisory responsibilities. The CDE, in collaboration with the DGS, OAH, is required to collect data on resolution session outcomes.

To ensure resolutions sessions are held in a timely manner, LEAs and public agencies are required to report the status and outcome of a resolution session to the DGS, OAH. The CDE, in collaboration with the DGS, OAH, developed the "Notice of Resolution Outcome Session" optional model form template that LEAs and public agencies may use to report the required information on whether resolution sessions were held in a particular case. Please note that model form template is optional, but the content of the form is required for resolution session outcome data tracking by the CDE.

This form collects data on the following:

- Number of resolution sessions and dates on which they were held
- If resolution sessions were held within the 15-day timeline
- Whether the resolution session result in a full or partial agreement
- Whether the resolution session resulted in a written settlement agreement
- An explanation of why a resolution session was not held (i.e. both parties agreed to participate in mediation, the LEA or public agency failed to convene the resolution session, lack of parent participation and documentation of efforts, etc.)

A link to the “Notice of Resolution Session Outcome” model form template can be found on the [CDE Dispute Resolution web page](#). The optional model form template can also be accessed on the [DGS, OAH Notice of Resolution Session Outcome web page](#).

An authorized representative of the LEA or public agency must complete and send this information to the DGS, OAH along with a copy of any written waivers to the due process hearing officer assigned to the due process hearing case. All LEAs and public agencies can submit written notice of resolution session outcomes and written waivers to the DGS, OAH using one of the following options:

- Fax: 916-376-4207
- U.S. Postal Mail or hand delivery:

Office of Administrative Hearings
2349 Gateway Oaks Drive, Suite 200
Sacramento, CA 95833

- [DGS, OAH Secure e-File Transfer \(SFT\) System](#)

The DGS, OAH SFT system replaces the DGS, OAH’s previous method of sending and receiving documents through email attachments and is the preferred method of delivery for the DGS, OAH. Parties or attorneys will create a password-protected free account at the SFT and will use that account for both sending documents to and receiving documents from the DGS, OAH.

Parties can find additional information and resources regarding special education resolution session meetings within the [CADRE IDEA Special Education Resolution Meetings Parent Guide](#).

Public agencies or LEAs who do not meet resolution session outcome data reporting timelines are notified via a formal letter from the DGS, OAH that requests the required information be sent to the DGS, OAH. The DGS, OAH notifies the CDE of any LEAs or public agencies out of compliance with the required resolution session outcome reporting timelines.

What happens if an agreement is reached during a resolution session?

If a resolution is reached at the resolution meeting, the parties must put the agreement into writing. This written agreement is a legally binding agreement which is signed by both the parent and a representative of the agency who has the authority to bind the agency. Once signed, the resolution agreement is enforceable in any California state court of competent jurisdiction or in a district court of the United States or by the CDE, if applicable [34 *CFR* Section 300.510(d)]. A party may void the resolution agreement within three business days of the agreement's execution [34 *CFR* Section 300.510(e)].

The DGS, OAH facilitates due process hearings but does not enforce agreements reached through a resolution session. Parents may seek assistance from the state to help them enforce an agreement if it is not honored. Parents may choose to go to state or federal court to ask a judge to enforce the agreement (34 *CFR* Section 300.537). If a parent believes the mediation agreement is not being implemented as written, the parent may file a state compliance complaint with the CDE, ODR. For more information, please see the State Compliance Complaints section of this manual.

The IDEA does not specifically address the status of the due process complaint or which party is responsible for requesting that a due process complaint be dismissed or withdrawn once a resolution agreement is reached and the three-business-day review period has passed. These matters are left to the discretion of the hearing officer. The DGS, OAH will keep the scheduled Prehearing Conference and Hearing Dates on calendar unless notified that the case has resolved. Parties can submit a request to dismiss a due process hearing request by visiting the [DGS, OAH Request by Party to Dismiss Due Process Hearing web page](#).

What happens if an agreement is not reached during the resolution meeting?

If an agreement is not reached during the resolution meeting, additional discussions may be scheduled for parties to come to an agreement within the 30-day resolution period or due process hearing proceedings will commence. Only a legally binding agreement reached during the 30-day period which meets the requirements described above is considered an agreement under the resolution process requirements.

Can there be mediation during the resolution period?

Mediation is available to parties throughout the 30-day resolution period. This 30-day resolution period timeline may be adjusted if both parties agree in writing to continue with the mediation process after the 30-day resolution period, and inform the DGS, OAH that they wish to move forward the timeline. If this occurs, the 45-day due process hearing timeline does not begin until one of the parties withdraws from the mediation process [34 *CFR* Section 300.510(c)(2)].

All discussions that occur in mediation are confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding. This includes negotiation discussions and discussions involving any settlement positions of parties in the mediation session [34 *CFR* Section 300.506(b)(8)]. See the Mediation section in this manual for more information on mediation and due process complaints.

What is a due process hearing decision?

A due process hearing decision can address a change or refusal to change the identification, evaluation, educational placement or provision of a FAPE. A hearing officer's determination of whether a child received a FAPE must be based on substantive grounds. A due process hearing decision can also address matters alleging a procedural violation. In those cases, a hearing officer may find that a child did not receive a FAPE only if the procedural inadequacies impeded the child's right to a FAPE; significantly impeded the parent's opportunity to participate in the decision-making process regarding the provision of a FAPE to the parent's child; or caused a deprivation of educational benefit. A hearing officer is not precluded from ordering a LEA or other public agency to comply with procedural requirements under 34 *CFR* Section 300.500–300.536 [34 *CFR* Section 300.513(a)].

For regular due process cases, a final decision in the hearing must be reached no later than 45 days after the 30-day resolution period expires or after one of the following adjusted time periods:

- Both parties agree in writing to waive the resolution meeting
- After either the mediation or resolution meeting starts but before the end of the 30-day period, the parties agree in writing that no agreement is possible
- If both parties agree in writing to continue the mediation at the end of the 30-day resolution period, but later, the parent or public agency withdraws from the mediation process 34 *CFR* 300.515 [34 *CFR* Section 300.510(c)]

Please note that parties must inform the DGS, OAH in writing regarding any of the above events to ensure compliance with required timelines.

A hearing officer may grant specific extensions to the decision timeline at the request of either party [34 *CFR* Section 300.515(c)].

A decision made in a due process hearing is final, except that any party involved in the hearing may appeal the decision [34 *CFR* Section 300.514(a); *EC* Section 56505(h)]. Either party may appeal the hearing decision by filing a civil action in state or federal court within 90 days of the final decision [34 *CFR* Section 300.516 (ED); *EC* sections 56505(k) and 56043(w)].

What is civil action?

Under certain circumstances, a civil action may be brought by any party involved in a due process hearing by appealing the due process hearing decision in any State court of competent jurisdiction or in a district court of the United States [34 *CFR* Section 300.516; *EC* Section 56505(k)]. The party filing the civil action has 90 days from the date of the hearing officer's decision to file a civil action [34 *CFR* Section 300.516; *EC* Section 56505(k)]. During the pendency of the civil action proceeding, the child involved in the hearing shall remain in his or her present educational placement, unless the public agency and the parent of the child agree otherwise (34 *CFR* Section 300.518).

During a civil action proceeding, the court receives the records of the administrative proceedings, hears additional evidence at the request of a party, and basing its decision on a preponderance of the evidence, grants the relief that the court determines to be appropriate. The IDEA provides that the district courts of the United States have the authority to rule on actions brought under Part B of the IDEA without regard to the amount in controversy [34 *CFR* Section 300.516(c) and (d)].

The State court or the federal district court will require a written transcript of the hearing for appeals. A party may request a transcript of the hearing by sending a written request to the DGS, OAH. Parties can access the [DGS, OAH Request OAH Transcripts or Administrative Records web page](#) and may use the "Transcript Request" model form templates as a written request for a transcript. Parents are entitled to one free copy of the transcript in either written or electronic form. Parents are also entitled to one free copy of the administrative record. The DGS, OAH file is considered the administrative record. The administrative record includes copies of the exhibits that were accepted as evidence during the hearing.

The [DGS, OAH Request Transcripts or Administrative Records web page](#) provides additional information on how to request a transcript or to access the optional model form template and available translations.

Requests for transcripts and administrative records may be submitted to the DGS, OAH using one of the following options:

- Fax: 916-376-4207
- U.S. Postal Mail or hand delivery:

Office of Administrative Hearings
2349 Gateway Oaks Drive, Suite 200
Sacramento, CA 95833

- [DGS, OAH Secure e-File Transfer \(SFT\) System](#)

The DGS, OAH SFT system replaces the DGS, OAH's previous method of sending and receiving documents through email attachments and is the preferred method of delivery

for the DGS, OAH. Parties or attorneys will create a password-protected free account at the SFT and will use that account for both sending documents to and receiving documents from the DGS, OAH.

How does the State ensure the implementation of hearing officer decisions?

All special education due process decisions are provided to the CDE, ODR by the DGS, OAH on a monthly basis. Due process decisions may include orders the LEA or other public agency is required to complete; for example, the due process decision may order the LEA or other public agency to provide the student with compensatory education. Due process decisions may also include determinations that an LEA or other public agency violated procedural federal and/or state law. The CDE, ODR reviews the due process decisions for both orders and procedural violations.

The CDE, ODR reviews the due process decisions to identify any order(s) issued by the administrative law judge. As noted above, an order may require an LEA or public agency to provide a student with compensatory education. For each order, the CDE, ODR issues corrective actions and notifies the LEA or other public agency of the evidence they are required to submit to the CDE to demonstrate completion of order(s) included in the due process decision. Completion of corrective actions resulting from due process hearing orders are monitored by the CDE, ODR.

The CDE, ODR also examines the due process decision to determine whether the due process decision reveals any procedural violation(s) by the LEA or public agency. In the event the CDE, ODR identifies any procedural violation(s), the CDE, ODR sends a letter to the LEA or public agency notifying them of the procedural violation(s) and the relevant legal citation(s). In addition, the CDE, ODR issues corrective actions that must be completed by the LEA or public agency that specifically address the procedural violation(s). Completion of corrective actions resulting from procedural violation(s) identified in due process hearing decisions are monitored by the CDE, ODR.

How can the public access due process hearing decisions?

In collaboration with the CDE, the DGS, OAH transmits redacted due process hearing findings and decisions to the Advisory Commission on Special Education [34 *CFR* Section 300.513(d)]. The DGS, OAH maintains a listserv to send copies of redacted due process decisions, as well as the occasional announcement, to interested parties. Special education decisions and orders are also made available to the public through the DGS, OAH's online decisions search feature [*EC* Section 56505(d)(5)]. Orders posted are based on the type of order, the relief granted such as "request denied" or "request granted," and the relationship of the order to parties' access to due process of law.

The [DGS, OAH Search Special Education Decisions and Orders database](#) also allows the public to search special education decisions and orders.

Are there any extensions to the timelines pertaining to due process procedures?

A hearing officer may grant specific extensions to due process hearing timelines at the request of either party. Parties to the hearing may request the hearing officer to grant an extension, known as a continuance. An extension shall extend the time for rendering a final administrative decision only for a period equal to the length of the extension. A second or subsequent extension may be granted for good cause or any other purpose at the discretion of the hearing officer [EC Section 56505(f)(3)]. Each hearing and each review involving oral arguments must be conducted at a time and place that is reasonably convenient to the parents and child involved (34 CFR Section 300.515). The DGS, OAH tracks all requests for extensions in addition to continuance timelines and provides this data to the CDE during quarterly and annual reporting.

Any party may make a motion to change a mediation, prehearing conference, or hearing date. Requests for the DGS, OAH to postpone prehearing conferences or hearing dates are called a "request for continuance." If all parties in a case wish to postpone dates, the request is called a "joint request for a continuance." In this event, all parties must agree on the dates in a joint request.

Parties requesting a continuance must submit a written request to the DGS, OAH. The reason, or reasons, for the request for the continuance must be stated on all requests made to the DGS, OAH and a signature is required under penalty of perjury. Before filing a motion asking for a continuance of any dates, a party should first ask the other parties to agree to postpone the dates and to try to agree upon new dates. If either of the other parties do not agree, the party may file their own motion for continuance.

The party requesting a continuance may submit their written request in the form of a letter, a motion, or by using a model form template provided by the DGS, OAH. Parties may use the form located on the [DGS, OAH Request for Continuance of Due Process Hearing Dates web page](#).

Requests in the form of a letter or motion must ensure that the required information located on the template is provided. A motion for continuance should include the following:

- A statement that the parents have tried to contact all of the other parties and that the other parties do not agree to a continuance, or that the parties cannot agree on dates
- The reason for the request
- The new date or dates the parents would like to schedule the continuance

Parties can submit requests for a continuance to the DGS, OAH using one of the following options:

- Fax: 916-376-4207
- U.S. Postal Mail or hand delivery:

Office of Administrative Hearings
2349 Gateway Oaks Drive, Suite 200
Sacramento, CA 95833

- [DGS, OAH Secure e-File Transfer \(SFT\) System](#)

The DGS, OAH SFT system replaces the DGS, OAH's previous method of sending and receiving documents through email attachments and is the preferred method of delivery for the DGS, OAH. Parties or attorneys will create a password-protected free account at the SFT and will use that account for both sending documents to and receiving documents from the DGS, OAH.

If a parent is unable to either e-file documents using the SFT, send documents by mail, or hand deliver the documents, please call the DGS, OAH by phone at 916-263-0880 for assistance.

If a hearing officer decides to grant an extension, they must determine a specific period of time for the extension [34 *CFR* Section 300.515(c)]. Any extensions granted are documented in writing. The DGS, OAH tracks extensions to due process hearing timelines and informs the CDE of extensions granted within quarterly and annual reporting.

What are expedited due process hearings?

All due process hearings must adhere to the required timeline unless the matter of the complaint necessitates an expedited due process hearing. These specific IDEA disputes require accelerated timelines and different procedures than regular due process hearings to facilitate resolutions more quickly.

Expedited due process hearings may be used for one of the following IDEA disputes:

- A parent of a child with a disability disagrees a decision regarding disciplinary placement decisions under 34 *CFR* sections 300.530 and 300.531
- A parent of a child with a disability disagrees the manifestation determination under 34 *CFR* Section 300.530(e)
- A LEA or public agency that believes that maintaining the current placement of the child is substantially likely to result in injury to the child or others [34 *CFR* Section 300.532]

Parents, LEAs, or public agencies involved in the above IDEA disputes may appeal the decision by requesting a hearing. Expedited due process hearings can be requested by filing a complaint with the DGS, OAH [34 *CFR* Section 300.532(a)]. Please see the earlier section of this manual related to filing a due process complaint and requesting a due process hearing for additional information.

Whenever a hearing is requested to appeal the manifestation determination or placement decisions described above, the parents or the LEA or public agency involved in the dispute must have an opportunity for an impartial due process hearing consistent with the requirements of 34 *CFR* sections 300.507, 300.508, and 300.510–300.514, except for the expedited timelines described in 34 *CFR* Section 300.532(c)(2)–(4) [34 *CFR* Section 300.532(c)(1)].

What is the process for requesting an expedited due process hearing?

When a request for a due process hearing and mediation is filed, the DGS, OAH reviews the complaint and, where appropriate, will identify those issues which should be expedited.

When a complaint is identified as having issues which should be expedited, it will be identified as either a “dual case” or “expedited case.” When a case is identified as “dual case,” this means that there are both expedited issues and non-expedited issues outlined within the complaint. When a case is identified as “expedited case,” this means that all the issues raised within the complaint require the case to be resolved on a faster timeline.

For an “expedited case,” the DGS, OAH will send the parties a scheduling order setting dates for mediation, the prehearing conference, and the due process hearing. The parties will not need to submit a separate request for mediation. The parties may attend mediation or elect to not have mediation. If the parties reach an agreement at mediation, then the case will be closed. If the parties choose not to participate in mediation, the mediation session will be cancelled and the matter will proceed to a prehearing conference and due process hearing, following the same process as set forth above, but on a faster timeline to meet expedited hearing requirements.

If the case is identified as having both expedited and non-expedited issues, it is called a “dual case.” When the Scheduling Order is sent for a “dual case” there will be two separate sets of dates scheduled by the DGS, OAH. One set of dates will be scheduled to address the expedited issues and the second set of dates will address non-expedited issues. The first set of dates will indicate dates scheduled for mediation, the prehearing conference, and the due process hearing on the expedited issues. The second set of dates will show the deadline date by which the parties must submit a request for mediation, the date set for the prehearing conference, and the date set for the due process hearing for all the non-expedited issues. This results in two prehearing conference dates, two due process hearing dates, one mediation date, and one date by

which to submit a request for mediation to address the non-expedited issues. Please note that it is possible for one case to result in two decisions when a case is identified as a “dual case.”

A description of the life cycle and steps in each of the special education due process case types can be accessed on the [DGS, OAH Due Process Hearings web page](#).

What are the timelines for expedited due process hearings?

The DGS, OAH, under the supervision of the CDE, schedules all expedited due process hearings. Expedited due process hearings must occur within 20 school days of the date the complaint requesting the hearing is filed and the hearing officer must make a determination within 10 school days after the hearing [34 *CFR* Section 300.532(c)(2)]. Due to the shortened timelines of expedited due process hearings, a party may not challenge the sufficiency of an expedited due process complaint (34 *CFR* Section 300.532; 71 Federal Register 46725).

When a hearing officer makes a determination in an expedited hearing, the hearing officer may return the child with a disability to the placement from which the child was removed if the hearing officer determines that the removal was a violation of 34 *CFR* Section 300.532(b) or that the child’s behavior was a manifestation of the child’s disability.

If the hearing officer determines that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, the hearing office may order a change of placement of the child with a disability to an appropriate interim alternative educational setting (IAES) for not more than 45 school days. The procedures placing the student in an IAES may be repeated if the LEA or public agency believes that returning the child to the original placement is substantially likely to result in injury to the child or to others [34 *CFR* Section 300.532(b)].

A resolution meeting must occur within seven days of receiving notice of the expedited due process complaint. Exceptions to this timeline may only occur if both the parents and the LEA or public agency agree in writing to waive the resolution meeting or agree to use the mediation process. The due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the due process complaint [34 *CFR* Section 300.532(c)(3)]. Hearing officers cannot grant extensions of these timelines in an expedited due process hearing proceeding.

Decisions for expedited due process hearings are appealable consistent with 34 *CFR* Section 300.514 [34 *CFR* Section 300.532(c)(5)].

What are the qualifications of due process hearing officers and how are they selected?

Under the supervision of the CDE, the DGS, OAH ensures all hearing officers are qualified. Pursuant to 34 *CFR* Section 300.511(c)(3) and *EC* Section 56505(m), the

DGS, OAH maintains a list of persons who may conduct due process hearings as well as their qualifications. The list and statement of qualifications for each hearing officer shall be made available to the public upon request by contacting the DGS, OAH by phone at 916-263-0880. Hearing officers are selected on a random, rotational basis from the list maintained by the DGS, OAH and cannot request to be assigned to a specific case for any reason.

In collaboration with the CDE, the DGS, OAH:

- Supervises the work of all hearing officers
- Reviews and approves the training and continuing education programs required for hearing officers
- Evaluates each hearing officer not less than once every twelve months
- Reviews the decisions of hearing officers to ensure that they are clear, concise, logical, well-reasoned, supported by appropriate legal authority, and address all issues required to be decided

In California, hearing officers are ALJs. Hearing officers may not be employees of the CDE, the LEA, or other public agency which is involved in the education or care of the child who is the focus of the due process hearing case, and cannot be a person having a personal or professional interest that conflicts with the person's objectivity in the hearing. An individual is not considered an employee of the agency solely because he or she is paid by the agency to serve as a hearing officer [34 *CFR* Section 300.511(c)(2)].

To qualify as a hearing officer, individuals must be attorneys licensed to practice law in California for at least five years immediately preceding their appointments, of which at least two years shall have involved contested cases in a trial court or formal hearings or inquiries and shall have involved experience in the presentation of evidence and examination of witnesses before trial courts or quasi-judicial administrative bodies. Per Task 6.1 of the IA between the CDE and the DGS, OAH, experience acquired as a hearing officer in formal quasi-judicial administrative proceedings may be substituted year for year for the required two years of experience. [34 *CFR* Section 300.511(c)(1)]

Pursuant to *EC* Section 56505(c) and 5 *CCR* Section 3097, all hearing officers must possess the following:

- a. Knowledge of the provisions of the IDEA (20 *USC* Section 1400 et seq.), federal and state regulations pertaining to that title, and legal interpretations of that title by federal and state courts
- b. Knowledge of the provisions of the California *EC* (*EC* Section 56000 et seq.) and related state statutes and implementing regulations, and legal interpretations of

those statutes and regulations by federal and state courts

- a. Knowledge and ability to conduct hearings in accordance with appropriate, standard legal practice
- b. Knowledge and ability to render and write decisions in accordance with appropriate, standard legal practice

What training is required for due process hearing officers?

In collaboration with the CDE, the DGS, OAH ensures that hearing officers are appropriately trained to conduct special education due process hearings. Pursuant to 5 CCR Section 3098.2(a), all hearing officers must have completed at least 80 hours of training in the adjudication of administrative matters before conducting a due process hearing which shall include, but not be limited to the following subjects:

- a. Due process and the role of the hearing officer
- b. Ethical requirements for hearing officers
- c. Creating and maintaining a bias-free proceeding
- d. Case management
- e. Motions and other pre-hearing practices and procedures
- f. Settlement practice
- g. Hearing preparation
- h. Making, completing, supplementing, and preserving a record
- i. Opening and closing a hearing
- j. Hearing room control and demeanor
- k. Strategies for protecting the rights of parties not represented by attorneys
- l. Dealing with a party's default
- m. Handling and preserving documents and exhibits
- n. Credibility of witnesses
- o. Qualifying and evaluating expert witnesses
- p. Common evidentiary issues in administrative proceedings
- q. Closing briefs and arguments and submission

- r. Writing decisions
- s. Resources for hearing officers

Hearing officers also receive training regarding the ADA and Rehabilitation Act, Section 504 requirements, including, but not limited to, ADA accessibility at locations where due process hearings are conducted

Pursuant to 5 *CCR* Section 3098.2(b), as part of the 80 hours of training described above, a hearing officer's initial training shall include at least 20 hours of training in the adjudication of special education disputes, which may include practical, clinical, or simulated training, and which shall include, but not be limited to the following subjects:

- a. The substantive and procedural laws relating to the IDEA (20 *USC* Section 1400 et seq.)
- b. The substantive and procedural laws relating to 34 *CFR*, Part 300 et seq.
- c. The substantive and procedural laws relating to *EC* Section 56000 et seq.
- d. The substantive and procedural laws relating to 5 *CCR* Section 3000 et seq.
- e. Federal and state statutes and regulations related to special education laws and regulations
- f. Court and administrative rulings interpreting or implementing all the above
- g. Common disabilities and their impact on human functioning
- h. The impact of common disabilities on student academic, developmental and functional needs in an educational environment
- i. Disability awareness
- j. Options for the accommodation of disabilities in education and elsewhere
- k. Services and supports available to students with exceptional needs
- l. Adaptation of general education strategies for students with disabilities
- m. Participation of children with exceptional needs in special education disputes
- n. Participation of parents, guardians, and representatives of children with exceptional needs in special education disputes
- o. Participation of teachers, instructional assistants, educational support personnel, and administrators in special education disputes

Pursuant to 5 CCR Section 3098.2(c), in addition to the initial 80 hours of training, a hearing officer annually shall complete at least 20 hours of continuing education during each fiscal year. This continuing education shall include continuing education in the adjudication of administrative disputes and special education disputes, which may include practical, clinical, or simulated training, and which shall include, but not be limited to, the subjects described above.

How does the State prevent conflict of interest and ensure the impartiality of mediators and hearing officers?

A conflict of interest is a dealing or relationship that reasonably raises a question of bias [5 CCR Section 3090.1(b)]. The CDE, in collaboration with the DGS, OAH, requires mediators and hearing officers to prevent conflicts of interest. Any involvement by a hearing officer or mediator with the subject matter of the dispute or any relationship between a hearing officer or mediator with any party, prospective participant, or prospective witness, whether past or present, personal or professional, that reasonably raises a question of the hearing officer's or mediator's impartiality shall be disclosed to the parties as soon as practicable after the hearing officer, or mediator becomes aware of such circumstance. The DGS, OAH, in the event of an actual or potential conflict, shall require the mediator or hearing officer to decline to mediate or adjudicate the dispute, unless all parties choose to retain the mediator or hearing officer [5 CCR Section 3099]. The DGS, OAH provides written reports to the CDE pertaining to instances of conflict of interest that have been substantiated after a hearing officer has been assigned to a case.

There shall be no communication to a hearing officer, direct or indirect, while special education due process hearing proceedings are pending, regarding any issue in the proceeding, from an employee or representative of a party or from an interested person unless the communication is made on the record at the hearing [5 CCR Section 3084]. A proceeding is considered pending from the date of receipt by the DGS, OAH of the request for hearing. If a hearing officer receives a communication in violation of this section (which is considered an ex parte communication), the hearing officer shall follow the procedures set forth in 5 CCR Section 3084. A hearing officer assigned to a hearing is also subject to disqualification for receipt of an ex parte communication in violation of the provisions contained in 5 CCR Section 3084.

The DGS, OAH shall provide notice to the parties of the identity of the hearing officer assigned to conduct a hearing at least five business days before the hearing, unless operational needs require otherwise, so that any motions regarding a conflict of interest may be timely made and heard.

A party to a special education due process proceeding is entitled to one peremptory challenge, or disqualification without cause, of a hearing officer (1 CCR Section 1034). Information related to peremptory challenges is maintained by the DGS, OAH and made available to the CDE and to the public. More information can be found on the [DGS, OAH Peremptory Challenges web page](#).

How are due process hearings scheduled?

In collaboration with the CDE, the DGS, OAH ensures that each hearing and each review involving oral arguments is conducted at a time and place which is reasonably convenient to the parents and child involved [34 *CFR* Section 300.515(d)]. The DGS, OAH schedules the initial hearing dates to ensure that it can issue a timely decision. Zoom can be used for both video and telephonic conferencing. Parties do not have to purchase or download any software to participate in virtual sessions facilitated by the DGS, OAH using the Zoom platform.

If a party wants to change the location of the hearing, they may send a written request to the DGS, OAH to request a different location and provide a reason why the location should be changed. For more information on due process hearing or pre-hearing scheduling and for support to access the Zoom platform, please contact the DGS, OAH by phone at 916-263-0880 or visit the [DGS, OAH Virtual Prehearing Conferences and Hearings web page](#).

What accommodations are available during due process hearings?

The ADA is a federal civil rights statute that requires state governmental entities, such as the DGS, OAH, to accommodate the needs of qualified individuals who have an interest in the DGS, OAH activities, programs and services (42 *USC* Section 12101, et seq.). All hearing locations are required to be accessible to those with mobility needs. If a hearing is held at a LEA or public agency's offices or a school, the LEA or public agency is required to submit a document certifying the accessibility of the location.

Any person with a disability that restricts their ability to participate in a due process hearing with the DGS, OAH may request reasonable accommodation by contacting the calendar clerk assigned to the special education case by the DGS, OAH. Accommodations, such as interpreters, may be provided as needed.

The [CDE Hearings and Mediations Accessibility Guidelines](#) outlines policies and procedures related to accommodations during special education hearings and mediations.

The [DGS, OAH Accommodations web page](#) outlines information on requesting accommodations. Parties may also contact the DGS, OAH by phone at 916-263-0880.

Are translations of due process hearing documentation available in other languages?

The DGS, OAH, in collaboration with the CDE, provides parties with due process related forms and publications in alternative formats and translations in the top five languages most commonly spoken in California schools as identified annually by the CDE. Available translations for forms and publications on the DGS, OAH's web pages include Arabic, Cantonese, Mandarin, Spanish, and Vietnamese. Copies of any due process form or publication in an alternative format or translations into additional

languages not posted to the OAH's web pages can be requested by contacting the DGS, OAH by phone at 916-263-0880 or by email at DGSOAHFeedback@dgs.ca.gov.

As a form of assistance to LEAs and other public agencies, the CDE offers translations of the Notice of Procedural Safeguards outlining parent rights, including due process rights, in a variety of languages free of charge.

What is the Special Education Advisory Committee?

In collaboration with the CDE, the DGS, OAH established an Advisory Committee to assist the DGS, OAH in providing non-binding recommendations for improvements to the due process complaints hearing and mediation processes [EC Section 56504.5(c)(8) and 5 CCR Section 3094]. The Advisory Committee is composed of parents, advocates, attorneys, and school employees among other interested persons. The Advisory Committee includes representatives from two regions, the Southern California region and the Northern California region. The DGS, OAH establishes the total number of members and the terms of appointment for the advisory committee. A majority of the advisory committee must be any combination of parents, advocates for parents, and/or attorneys for parents [5 CCR Section 3094(a)]. The remaining members in each region will be comprised of others interested in serving on the Advisory Committee. Each member selected to serve on the Advisory Committee shall be appointed for a two-year term.

Advisory Committee meetings are held twice a year. Meetings are held via videoconference on the same day in each region in the fall (third Friday of October) and spring (third Friday of June). Advisory Committee members are expected to attend every meeting and may be consulted between meetings. All meetings are open to the public and a period of public comment is included at each meeting.

As a part of the interagency agreement with the CDE, the DGS, OAH oversees the [DGS, OAH Special Education Advisory Committee Meeting Information](#), its application process, and facilitates access to Advisory Committee meetings.

Dispute Resolution Data and Reporting

How does the State collect data on mediation and due process cases?

The CDE contracts with the DGS, OAH to collect and maintain data pertaining to mediation and due process cases. The CDE contracts with the DGS, OAH to collect and maintain data in accordance with *EC* Section 56504.5(d), providing the department with quarterly and cumulative data to manage and report on all mediation and due process activities in the state annually.

Quarterly reporting by the DGS, OAH provides the CDE with data, including data the CDE uses to comply with federal and state regulations for monitoring local programs including the following:

1. Mediations
 - a. Number of mediation requests total
 - b. Number of mediations referrals received related to complaints filed with the CDE
 - c. Number of mediations held related to a complaint filed with the CDE
 - d. Number of mediations agreements related to complaints filed with the CDE
 - e. Number of mediations not related to hearing requests
 - f. Number of mediations related to hearing requests
 - g. Number of mediation agreements related to hearing requests
 - h. Number of mediation agreements not related to hearing requests
 - i. Number of mediations not held, including number of mediations pending
2. Due Process Hearings
 - a. Number of hearing requests total
 - b. Number of resolution sessions
 - c. Number of settlement agreements
 - d. Number of hearings held (fully adjudicated)
 - e. Number of decisions within timeline

- f. Number of decisions within extended timeline
 - g. Number of decisions issued after timelines and extension expired
 - h. Number of hearings pending
 - i. Number of expedited hearings conducted
 - j. Number of hearing requests resolved without a hearing
3. Expedited Hearing Requests Related to Disciplinary Decisions
- a. Number of expedited hearing requests total
 - b. Number of resolution sessions
 - c. Number of settlement agreements
 - d. Number of expedited hearings (fully adjudicated)
 - e. Number of changes of placement ordered

Pursuant to 5 CCR 3092(e), the public may access data collected through the interagency agreement between the CDE and DGS, OAH by searching for recent quarterly reports on the [DGS, OAH Dashboard](#).

How can the public access mediation and due process data?

In addition to quarterly reporting, the CDE contracts with the DGS, OAH to maintain the [DGS, OAH Dashboard](#) that includes aggregate due process data for public viewing. Using the Dashboard, LEAs, public agencies, and other educational partners can search for the total number of due process cases filed and the average case length with filters to further customize their search by school district, fiscal year, and fiscal year quarter.

For any questions regarding the Dashboard, please contact the DGS, OAH by phone at 916-263-0550 or by email at DGSOAHFeedback@dgs.ca.gov.

How does the California Department of Education use data to evaluate and improve statewide implementation of the dispute resolution system?

The IDEA requires each state to develop a state performance plan (SPP) annual performance report (APR) that evaluates the state's efforts to implement the requirements and purposes of the IDEA and to outline how the state will improve its implementation (34 CFR sections 300.600–300.602).

All SPP APRs include indicators that measure child and family outcomes and other indicators that measure compliance with the requirements of the IDEA. California is required to submit a SPP at least every six years and must report against the targets in the SPP each year within an APR. The OSEP uses information from the SPP/APR and other public information to annually determine if California meets the requirements and purposes of the IDEA in addition to identifying areas needing assistance/intervention to improve program implementation.

The CDE submits annual statewide Part B Dispute Resolution data collected in partnership with the DGS, OAH. Through the interagency agreement with the DGS, OAH, the CDE collects SPP APR performance data for Indicator 15, resolution meetings resulting in written settlement agreements, and Indicator 16, mediations resulting in written agreements. In the fall of each year, the CDE submits the previous school year's data for the OSEP review and feedback. The [CDE Quality Assurance Process web page](#) outlines information regarding California's compliance and improvement monitoring framework in addition to reporting from previous years.

Contact Information and Partnerships

California Department of Education, Special Education Division

- Phone: 916-445-4613
- Fax: 916-327-3706
- Email: specedinfo@share.cde.ca.gov
- Website: <https://www.cde.ca.gov/sp/se/>
- Address:

California Department of Education
Special Education Division
1430 N Street, Suite 2401
Sacramento, CA 95814-5901

California Department of Education, Constituent Support Services Office

- Phone: 800-926-0648
- Email: SEDCO@cde.ca.gov

California Department of Education, Office of Dispute Resolution

- Fax: 916-327-3704
- Email: speceducation@cde.ca.gov
- Website: <https://www.cde.ca.gov/sp/se/dr/>

Department of General Services, Office of Administrative Hearings

- Phone: 916-263-0880
- Fax: 916-376-4207
- Email: DGSOAHFeedback@dgs.ca.gov
- Website: <https://www.dgs.ca.gov/en/OAH/Case-Types/Special-Education>
- Address:

Office of Administrative Hearings
2349 Gateway Oaks Drive, Suite 200
Sacramento, CA 95833

Center for Appropriate Dispute Resolution in Special Education

- Phone: 541-359-4210
- Fax: 458-215-4957
- Email: cadre@directionservice.org
- Website: <https://www.cadeworks.org/>
- Address:

Center for Appropriate Dispute Resolution in Special Education
576 Olive Street, Suite 300
Eugene, OR 97401

Dispute Resolution Resources

[California Department of Education – Dispute Resolution](#)

Information and resources for resolving disputes related to special education.

[California Department of Education – Quality Assurance Process](#)

This web page developed by the California Department of Education (CDE) provides resources to improve educational outcomes for students with disabilities while ensuring compliance with state and federal laws and regulations, including information regarding California State Performance Plan, Procedural Safeguards resources, forms for state compliance complaints, and available translations.

[California Department of Education – Family Involvement and Partnerships](#)

Resources and support for parents, guardians, and families of children with disabilities. Includes downloadable versions of the Notice of Procedural Safeguards outlining the Special Education Rights of Parents and Children Under the Individuals with Disabilities Education Act, Part B, and the California *Education Code*.

[California Department of Education – State Performance Plan](#)

The CDE partnered with the SELPA Systemic Improvement Leads to develop a State Performance Plan Indicator (SPPI) Guide to support school leaders in analyzing SPP/APR data to improve the quality of education for all students, including those with disabilities. The Guide provides convenient access to information on the California SPP Indicators and includes a collection of individual handouts for each of the SPP indicators reported in the local-level APR. Each handout outlines the essential elements of the specified indicator including definition, data source, calculation, targets, and connections to related processes.

[California Department of Education – Helpful Hints When Requesting Direct State Intervention](#)

This CDE resource provides suggestions and examples of how to expedite the state compliance complaint investigation process. Examples provided pertain to only the most common allegations.

[California Department of Education – Request for Complaint Investigation Form](#)

Access the CDE's model form template for filing a compliance complaint that alleges a violation of state or federal special education laws.

[California Department of Education – Notice of Procedural Safeguards Translations](#)

As a form of assistance to local educational agencies (LEAs) and other public agencies, the CDE offers, free of charge, translations in multiple languages. Clearinghouse for Multilingual Documents (CMD) translations may be downloaded by schools, districts, and county offices; customized to meet local needs; edited to remove CMD document information; and then disseminated to parents. The CDE recommends that LEAs and other public agencies first confer with local translators, however, to determine any need for modifications, as there can be many variations in translation.

[California Department of Education – Pathways to Partnership Project](#)

The Pathways to Partnership consortium envisions a statewide educational community with the necessary skill sets to prevent, reduce, and resolve conflicts building trust and mutual understanding between families and educational agencies. Our vision embraces resolving conflict at the lowest level, preserving relationships with all members of the IEP team, and ensuring the IEP process is the foundation for positive, equitable student outcomes for all students with disabilities. The Pathways to Partnerships vision seeks to transform the way in which educators respond to conflict and dispute within the California special education system and Statewide System of Support by establishing a sustainable continuum for dispute prevention and resolution that is accessible to all. The program is based on three overarching pillars of support including family and community support, conflict prevention, voluntary ADR strategies, and facilitated IEP meetings.

[California Legislative Information](#)

Access a complete listing of California Law Codes and Bills, including California *Education Code*, *California Code of Regulations*, and *Government Code* pertaining to special education.

[National Archives – Code of Federal Regulations](#)

Access a complete listing of the *Code of Federal Regulations (CFR)*, including federal laws and regulations pertaining to special education. The *CFR* is the official legal print publication containing the codification of the general and permanent rules published in the Federal Register by the departments and agencies of the Federal Government. The Electronic *CFR* (e*CFR*) is a continuously updated online version of the *CFR*. It is not an official legal edition of the *CFR*.

[The Judicial Branch of California – California Rules of Court](#)

Access a complete listing of the *California Rules of Court*.

[Office of Special Education Programs – Center for Parent Information and Resources](#)

This hub of information is funded by the Office of Special Education Programs (OSEP). It contains family-friendly information and research-based materials on key topics for Parent Centers; private workspaces for Parent Centers to exchange resources, discuss high-priority topics, and solve mutual challenges; coordination of parent training efforts throughout the network; a twice-monthly e-newsletter with key topics, new resources, upcoming events, and materials to share with families; and materials from Parent Centers themselves.

[Special Education Local Plan Area Administrators of California – Alternative Dispute Resolution](#)

Information, training announcements, and resources for family engagement and ADR from the SELPA Administrators of California.

[Seeds of Partnership – Alternative Dispute Resolution California](#)

The Alternative Dispute Resolution California (ADR California) Resource Hub provides information and resources for special educators, parents, LEAs, Special Education Local Plan Areas (SELPAs), and parent centers across California. Explore resources

aimed at improving partnerships, resolving disagreements, and reducing formal complaints and due process filings.

[Seeds of Partnership California – Family Empowerment Centers](#)

Family Empowerment Centers (FECs) provide training and information to families of children and young adults with disabilities, between the ages of 3–21 in California. FECs aim to assist parents to better understand their child’s educational and developmental needs, effectively communicate with service providers, serve as a resource for the IEP process, participate in school reform and improvement activities, promote alternative dispute resolution, and support positive relationships between parents and professionals.

[Family Resource Centers Network of California](#)

The Family Resource Centers (FRC) Network of California supports families of children with disabilities, special healthcare needs, and those at risk by ensuring the continuance, expansion, promotion, and quality of family-centered, parent-directed, FRCs. One of their main functions is to connect families and community partners to services and resources supporting children with disabilities. They also forge deep partnerships with community and statewide stakeholders to benefit children throughout the state.

[Center for Appropriate Dispute Resolution in Special Education – Quick Guide to Special Education Dispute Resolution Processes](#)

A comparison chart of dispute resolution processes developed by the Center for Appropriate Dispute Resolution in Special Education (CADRE).

[Center for Appropriate Dispute Resolution in Special Education – Dispute Resolution Parent Guides and Companion Videos](#)

Parent guides and related videos developed by the CADRE explaining facilitation, mediation, written state complaints, due process complaints, resolution meetings, and expedited due process complaints.

[Center for Appropriate Dispute Resolution in Special Education – Working Together Series](#)

A series developed by the CADRE providing families and educators with strategies for working together and through conflict. Anyone supporting children or youth with disabilities may benefit from this series, however, the setting in which collaborative problem solving and conflict resolution takes place within this series is typically the school or IEP meeting.

[Center for Appropriate Dispute Resolution in Special Education – Family Resources](#)

Dispute resolution resources curated by the CADRE for families of infants, toddlers, children, and youth with disabilities.

[Center for Appropriate Dispute Resolution in Special Education – Part B Dispute Resolution Data Summaries](#)

Historical dispute resolution data summaries developed by the CADRE and organized by state to assist with the identification of trends and changes in the use of dispute resolution processes over time.

[Department of General Services, Office of Administrative Hearings – Forms](#)

Access the Department of General Services (DGS), Office of Administrative Hearings' (OAH) optional form templates for special education mediation, due process complaints/hearings, resolution session outcomes, and other special education due process related forms.

[Department of General Services, Office of Administrative Hearings – Low-Cost or Free Attorneys and Advocates for Special Education](#)

A list of low-cost or free attorneys and advocates curated by the DGS, OAH. The attorneys and advocates listed have self-certified that they provide low-cost or free services to assist in preparation for special education due process cases.

[Department of General Services, Office of Administrative Hearings – Self-Help Information for Special Education Cases](#)

The DGS, OAH's Self-Help pages, also referred to as The Handbook, provide information on Special Education laws and procedures as well as links to related forms, to help parties better understand due process hearings and mediations, and to prepare the documents needed for each step in the process.

[Department of General Services, Office of Administrative Hearings – Special Education Decisions and Orders Database](#)

Access a search system to look up decisions and orders for special education mediation and due process cases overseen by the DGS, OAH.

Dispute Resolution Acronyms

ADA: The Americans with Disabilities Act

ALJ: Administrative Law Judge

ADR: Alternative Dispute Resolution

ADRCal: Alternative Dispute Resolution California Project

APR: Annual Performance Report

CADRE: The Center for Appropriate Dispute Resolution in Special Education

CCR: *California Code of Regulations*

CFR: *Code of Federal Regulations*

CDE: The California Department of Education

COE: County Office of Education

CSSO: Constituent Support Services Office

DGS: Department of General Services

DRS: Dispute Resolution Services Unit

EC: *California Education Code*

FAPE: Free appropriate public education

FEC: Family Empowerment Center on Disability

FRC: Family Resource Center

GC: *Government Code*

IA: Interagency agreement

IDEA: The Individuals with Disabilities Education Act

IEP: Individualized Education Program

IEE: Independent Educational Evaluation

LEA: Local educational agency (includes school districts, county offices of education and charter schools)

OAH: Office of Administrative Hearings

ODR: Office of Dispute Resolution

OSEP: Office of Special Education Programs

SEA: State Education Agency

SED: Special Education Division

SELPA: Special Education Local Plan Area

SFT: Secure File Transfer

SPP: State Performance Plan

USC: *United States Code*

[NOTE TO LOCAL EDUCATIONAL AGENCIES (LEAs): As a form of assistance to LEAs, the California Department of Education (CDE) offers this translation free of charge. Because there can be variations in translation, the CDE recommends that LEAs confer with local translators to determine any need for additions or modifications, including the addition of local contact information or local data, or modifications in language to suit the needs of specific language groups in the local community. If you have comments or questions regarding the translation, please email the Clearinghouse for Multilingual Documents (CMD) at cmd@cde.ca.gov.]