



Mediation, Due Process Hearings, and Alternative Dispute Resolution

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Overview

- Options for Parents
- Dispute Resolution: Mediation and Due Process
- Office of Administrative Hearings (OAH) 2019—2020
Filing Data
- Alternate Dispute Resolution Grants
- Special Education Compliance Complaints
- Fiscal Allowability
- Resources



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Options for Parents when there is a Disagreement with a Local Education Agency

- Parent Teacher Conference/Individualized Education Program (IEP) Meeting
- Resolution Session
- Mediation
- Due Process Hearing
- File compliance complaint with the California Department of Education (CDE)



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Due Process Background

- State and federal law provides that all children with disabilities are entitled to a free and appropriate public education (FAPE) under the Individuals with Disabilities Education Act (IDEA) 20 *U.S.C.* Section 1400 et seq. and California *Education Code (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 mediations and Due Process Hearings (DPHs), may be made pursuant to 20 *U.S.C.* Section 1415 et seq. and *EC* Section 56500 et seq.



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Overview: Mediation and Due Process Hearings

- The CDE, Special Education Division (SED) entered into one-year interagency agreement with the Office of Administrative Hearings (OAH) for 2020—2021.
- Through this agreement, the OAH agrees to provide hearing and mediation services pursuant to and in accordance with the requirements of federal and state laws and regulations.



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Filing Case Numbers by Type For 2019–20 (1)

District Due Process Hearing (DPH) with Mediation	394
District DPH* without Mediation	1
District Dual	3
District Expedited	4
District Mediation Only	95
Remand	1
Student DPH with Mediation	3961
Student DPH without Mediation	22
Student Dual	76
Student Expedited	7
Student Mediation Only	2
Total Matters	4,646



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Filing Case Numbers by Type For 2019–20 (2)

The following OAH cumulative totals for the number of mediations and due process hearings held in 2019–20:

- Cases closed following a decision issued: 92
- Number of mediations held: 2,557



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Special Education Alternate Dispute Resolution Grant

- The CDE provides IDEA Part B funds to California Special Education Local Plan Areas (SELPA) for alternative dispute resolution.
- The 2020–21 State Budget, included \$8.6 million federal IDEA funds to assist with developing regional alternative dispute resolution services and statewide mediation services.
- These grants support local level practices with developing informal solutions and avoiding time-consuming DPH and CDE compliance complaints.



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CDE Complaint Support Unit

- Provides technical assistance information and resources for parents, school districts, advocates, agencies and others of procedural safeguards regarding students, between ages 3 and 21, with disabilities and their educational rights.
- Toll-free Help Line: 800-926-0648; Weekdays, 9:00 a.m. to 4:00 p.m.
- Videophone Line: 916-374-7182 (deaf/hard of hearing); Weekdays, 9:00 a.m. to 4:00 p.m.
- Email: speceducation@cde.ca.gov



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Fiscal Allowability

- The federal IDEA Part B funds are used to provide special education and related services and **not** used to promote litigation of disputes.
- IDEA Part B funds **cannot** be spent on litigation.
- IDEA Part B funds **can be** spent on special education due process hearings.



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Resources (1)

- List of California Parent Organizations
<https://www.cde.ca.gov/sp/se/qa/caprntorg.asp>
- Procedural Safeguards: Special Education Rights of Parents and Children under IDEA, Part B
<https://www.cde.ca.gov/sp/se/qa/pseng.asp>
- Translations of Procedural Safeguards
<https://inet2.cde.ca.gov/cmd/translatedparentaldoc.aspx?docid=759-768>
- ADR Public Resource Napa County Office of Education Public Resource Directory www.adrcal.org



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Resources (2)

- OAH Special Education Self-Help Resources <https://www.dgs.ca.gov/OAH/Case-Types/Special-Education/Resources/SE-Coronavirus-Update>
- OAH Secure E-File Transfer System <https://www.dgs.ca.gov/OAH/Services/Page-Content/Office-of-Administrative-Hearings-Services-List-Folder/OAH-Secure-e-File-Information>
- OAH Corona Virus Updates <https://www.dgs.ca.gov/OAH/Case-Types/Special-Education/Resources/SE-Coronavirus-Update>