

Office of Administrative Hearings
Special Education Division
July – December 2005 Report

Under the terms of the May 25, 2005 Interagency Agreement (No. 4427) the Office of Administrative Hearings (OAH) is to provide the California Department of Education (CDE) with a quarterly report on information relating to mediations, due process hearings and other information described in the section of the agreement relating to data collection and reporting. Although the agreement required OAH to process only those cases filed on and after July 1, 2005, and the prior contractor McGeorge School of Law Special Education Hearing Office (SEHO) was to continue responsibility for matters previously filed, OAH agreed, at CDE's request, to take responsibility for all pending due process requests with SEHO performing only the mediation portion of the work.

As the figures recited below reflect, the additional cases (1081 of a total of 2275 cases processed) essentially doubled the number of cases for which OAH had responsibility in the first six months of the contract period. Moreover, virtually all of the due process hearings held related to cases filed with SEHO before July 1, 2005, which were in "off calendar" status until one or both parties requested a hearing date.

OAH recognizes that quite apart from the very specific requirements of the Interagency Agreement, carefully tracking case management activities is critical to assess performance and identify important trends. Unfortunately, the unanticipated significant increase in caseload required OAH to essentially "triage" case management responsibilities, assigning the highest priorities to the opening of new cases and those referred from SEHO, daily law and motion activity, and activities directly related to those due process hearings that were heard and decided. This was, in part, the reason for the delayed issuance of a report for the first quarter of the contract period.

I. Case Filings.

The number of total filings of special education cases through December 2005 was 2,275. They include 1,194 new cases that were filed directly with OAH on or after July 1, 2005. The total also includes 1,081 matters that were pending with SEHO, and then referred to OAH for hearing. These are referred to as "pipeline cases" and although these cases were not technically "new" filings, OAH added them to the category of open files included in the combined total tracked over this period. The monthly breakdown of cases filed through December 2005 is set forth below:

2005	Pipeline Cases	New Cases	Combined Total
July	454	147	601
August	130	205	335
September	117	204	321
October ¹	101	161	262
November	43	247	290
December	236	230	466
TOTALS	1081	1194	2275

Of the combined total of 2275, ten districts account for 1066 cases, or 46.8 percent of the total. The number of cases by school district is included as an attachment. The largest number involves the Los Angeles Unified School District (LAUSD) with 734 cases or 32.26 percent of total cases filed. This is followed by Capistrano USD (64 cases), Newport-Mesa USD (43 cases), Long Beach USD (43 cases), San Diego USD (36 cases), San Francisco USD (36), Tustin USD (32), Poway USD (31 cases), Irvine USD (26 cases) and Corona-Norco USD (20 cases).

II. Closed Cases.

Over the period July through December 2005, 1071 cases were closed. These include cases that were dismissed, withdrawn by request of the parties, or that were resolved successfully prior to or after hearing. Of the 1071 closed cases, 636 were cases that were initially filed with SEHO, and 435 were cases that were filed with OAH on or after July 1, 2005. OAH has collected data by disposition category on only the 435 cases filed with OAH from July 1, 2005, because cases filed on or after this date are the only ones from which baseline data from opening to closing could be tracked. Accordingly, data on the 636 closed “pipeline cases” are not included within the scope of this report.²

Of the 1194 new cases filed with OAH since July 1, 2005, 435 were closed through December 2005.³ Of the 435 closed cases, the petitioners were parent/child in 394 (90.6 percent) cases, and the districts were petitioners in 41 (9.4 percent) cases. A very high percentage of cases (73.1 percent) settled. Approximately 60 percent settled during resolution session or mediation, and the balance settled at the time of hearing or otherwise. Approximately 10 percent of cases were dismissed by reason of insufficiency of pleadings or inactivity, and 16 percent were withdrawn. Two cases filed since July 1, 2005, went through hearing and decision over this period. There were actually 32 due process hearings that resulted in decision over this period, but these were largely cases filed before July 1, 2005, and they were therefore not included in the resolution totals tracked.

¹ Through October 27, 2005

² OAH will continue to track the number of SEHO cases closed, but not by disposition category.

³ This number is a bit understated because a significant number of cases awaiting issuance of a notice of dismissal were not included in this figure.

The breakout of closed cases that were initially filed with OAH on or after July 1, 2005, by resolution categories are set forth below:

Disposition	Total	Percent
Settled: Resolution Session	167	38.4
Settled: Mediation	93	21.4
Settled: Hearing	3	.7
Settled: Otherwise	55	12.6
Dismissed: Insufficient	39	8.9
Dismissed: Inactivity	6	1.4
Withdrawn	70	16.1
Hearing/Decision	2	.5
TOTAL	435	100

III. Mediations.

OAH held no mediations in special education cases prior to January 1, 2006, so there are no reportable data regarding mediations for the period July 1 through December 2005. The Interagency Agreement provides that OAH would refer those due process matters submitted between July 1, 2005, and December 31, 2005, in which the parties requested mediation to SEHO, which would assign a mediator. OAH was not responsible for matters referred to SEHO for mediation until they were returned to OAH. Once returned they were calendared for hearing following a telephone status and/or prehearing conference with all parties. These cases often resolve prior to hearing following agreements reached between the parties, or after more formal settlement conferences before OAH.

IV. Due Process Hearings.

During this period there have been 32 due process hearings which resulted in decisions. Copies of all decisions have been provided to CDE and also posted on the OAH website. The decisions average 15 pages in length. The total days of hearing represented by these 32 cases number 96, with an average length of three days per hearing. The length of hearings ranged from one to eight days.

Of the 32 hearings, 50 percent were rendered in favor of local educational agencies (LEAs) and 19 percent were rendered in favor of parents. The remaining 31 percent were split decisions. This compares to the previous quarter (April – June 2005) when no decisions were rendered in favor of parents, and 62 percent were in favor of the LEAs.

An attorney or advocate represented parents in 75 percent of the cases. An attorney represented LEAs in 81 percent of cases. The student demographic included high school (53%), middle school (12.5%), elementary school (19%), preschool (12.5%) and unknown (3%).

District Name	Cases
LOS ANGELES U.S.D.	734
CAPISTRANO U.S.D.	64
NEWPORT-MESA USD	43
LONG BEACH U.S.D.	43
SAN DIEGO U.S.D.	36
SAN FRANCISCO U.S.D.	36
TUSTIN U.S.D.	32
POWAY U.S.D.	31
IRVINE U.S.D.	26
CORONA-NORCO USD	20
GARDEN GROVE U.S.D.	20
ORANGE USD	19
SANTA ANA U.S.D.	19
MT. DIABLO USD	18
SAN RAMON VALLEY U.S.D.	17
OAKLAND U.S.D.	16
SAN JOSE USD	15
PASADENA U.S.D.	15
SANTA MONICA-MALIBU USD	14
TEMECULA VALLEY U.S.D.	14
COMPTON U.S.D.	14
SAN DIEGO CITY SCHOOLS	14
MANHATTAN BEACH U.S.D.	13
ANAHEIM CITY S.D.	13
CHULA VISTA E.S.D.	12
PLACENTIA-YORBA LINDA U.S.D.	11
ELK GROVE U.S.D.	11
RIALTO U.S.D.	11
WEST CONTRA COSTA USD	11
GLENDALE U.S.D.	11
DEL NORTE U.S.D.	11
CHINO VALLEY U.S.D.	11
BERKELEY U.S.D.	10
SAN LUIS COASTAL U.S.D.	10
SIMI VALLEY U.S.D.	10
TORRANCE U.S.D.	10
LAS VIRGENES U.S.D.	10
SAN DIEGUITO UNION H.S.D.	10
CULVER CITY U.S.D.	10
SACRAMENTO CITY U.S.D.	10
OCEAN VIEW S.D.	10
ANAHEIM U.H.S.D.	10
DOWNEY U.S.D.	10
MONTEBELLO USD	9
ANTELOPE VALLEY U.H.S.D.	9
FULLERTON ELEMENTARY S.D.	9
NORWALK/LA MIRADA U.S.D.	9
PALMDALE S.D.	9

FOLSOM CORDOVA USD	9
BELLFLOWER U.S.D.	9
ALHAMBRA S.D.	9
ALTA LOMA S. D.	8
BELMONT-REDWOOD SHORES E.S.D.	8
HUNTINGTON BEACH CITY S.D.	8
ABC U.S.D.	8
EAST SIDE UNION H.S.D.	8
CARLSBAD U.S.D.	8
REDONDO BEACH U.S.D.	8
SADDLEBACK VALLEY U.S.D.	7
YUCAIPA-CALIMESA JT. U.S.D.	7
MANTECA U.S.D.	7
LA CANADA U.S.D.	7
HUNTINGTON BEACH U.H.S.D.	7
SAN JUAN U.S.D.	7
FREMONT U.S.D.	7
POMONA U.S.D.	7
VISALIA U.S.D.	6
CONEJO VALLEY U.S.D.	6
PALOS VERDES PENINSULA USD	6
ACALANES U.H.S.D.	6
EAST WHITTIER CITY S.D.	6
CENTRALIA S.D.	6
CUPERTINO UNION S.D.	6
HACIENDA LA PUENTE USD	6
TRACY JT. U.S.D.	6
SANTA BARBARA H.S.D.	6
EVERGREEN S.D.	6
WESTSIDE UNION E.S.D.	6
MORENO VALLEY U.S.D.	6
EL RANCHO UNIFIED S.D.	6
FULLERTON JOINT UNION H.S.D.	5
WALNUT CREEK S.D.	5
MURRIETA VALLEY U.S.D.	5
BUENA PARK S.D.	5
SAN BERNARDINO CITY USD	5
ENCINITAS U.S.D.	5
HAYWARD U.S.D.	5
KERN H.S.D.	5
INGLEWOOD U.S.D.	5
GROSSMONT UNION H.S.D.	5
CLOVIS U.S.D.	5
BEVERLY HILLS U.S.D.	5
WILLIAM S. HART UHSD	5
PARAMOUNT U.S.D.	5
SAN CARLOS S.D.	5
RIVERSIDE U.S.D.	5
WHITTIER UNION H.S.D.	5
LYNWOOD USD	5

NATOMAS U.S.D.	5
GRANT JT. UNION H.S.D.	4
DRY CREEK JT. E.S.D.	4
SYLVAN UNION S.D.	4
ARCADIA U.S.D.	4
LIVERMORE VALLEY JT. USD	4
BANNING U.S.D	4
LANCASTER S.D.	4
CHAFFEY JT. U.H.S.D.	4
JURUPA U.S.D	4
HAWTHORNE SCHOOL DISTRICT	4
SAN GABRIEL U.S.D.	4
PAJARO VALLEY U.S.D.	4
HEMET U.S.D.	4
VACAVILLE U.S.D.	4
OCEANSIDE U.S.D.	4
SAN MATEO-FOSTER CITY S.D.	4
PALO ALTO U.S.D.	4
COVINA-VALLEY U.S.D.	4
EXETER U.S.D.	4
ESCONDIDO U.S.D.	4
CAMPBELL U.H.S.D.	4
DAVIS JT. U.S.D.	4
FONTANA USD	4
TEHACHAPI U.S.D.	4
FRESNO U.S.D.	4
PALM SPRINGS U.S.D.	4
LAKE ELSINORE U.S.D.	3
SAN MARCOS U.S.D.	3
CYPRESS S.D.	3
BREA-OLINDA USD	3
WHITTIER CITY S.D.	3
FAIRFIELD SUISUN U.S.D.	3
ROSEVILLE E.S.D.	3
LAFAYETTE S. D.	3
ALAMEDA USD	3
GLENDORA U.S.D	3
LOS NIETOS S.D.	3
MODESTO CITY SCHOOLS	3
DUARTE UNIFIED S.D.	3
SAN RAFAEL CITY SCHOOLS	3
WESTMINSTER S.D.	3
OXNARD ELEMENTARY SCHOOL	3
COLTON JOINT U.S.D.	3
WASHINGTON UNIFIED SD (W SAC)	3
ROCKLIN U.S.D.	3
RIO LINDA UNION S.D.	3
NAPA VALLEY U.S.D.	3
MENIFEE UNION ESD	3
NEWHALL SCH DIST	3

ALBANY U.S.D.	3
BURBANK U.S.D.	3
WOODLAND JT. U.S.D.	3
NEW HAVEN U.S.D.	3
UPLAND U.S.D.	3
HOLLISTER S.D.	3
TAMALPAIS UNION H.S.D.	2
LOS GATOS/SARATOGA JT USD	2
MORGAN HILL USD	2
APPLE VALLEY U.S.D.	2
CALIF SCH FOR THE DEAF	2
SAN BRUNO PARK S.D.	2
JEFFERSON E.S.D.	2
VALLEY CENTER U.S.D.	2
VISTA U.S.D.	2
MENLO PARK CITY E.S.D.	2
CASTRO VALLEY U.S.D.	2
HANFORD E.S.D.	2
EL DORADO U.H.S.D.	2
SAN MIGUEL JT. U.S.D.	2
BASSETT USD	2
CERES U.S.D.	2
TEMPLE CITY U.S.D.	2
CLAREMONT U.S.D.	2
VICTOR E.S.D.	2
VICTOR VALLEY UNION H.S.D.	2
SWEETWATER UNION H.S.D.	2
CHARTER OAK U.S.D.	2
LAWNDALE S. D.	2
MOUNTAIN VIEW E.S.D. (ONTARIO)	2
SANGER U.S.D.	2
BAKERSFIELD CITY S.D.	2
EL SEGUNDO U.S.D.	2
MERCED COUNTY MENTAL HEALTH	2
VENTURA U.S.D.	2
LOS ALTOS U.S.D.	2
BURLINGAME E.S.D.	2
LODI U.S.D.	2
SAUGUS UNION S.D.	2
CORCORAN JT. U.S.D.	2
PLEASANTON U.S.D.	2
SONORA UNION H.S.D.	2
SAN LEANDRO U.S.D.	2
MONROVIA U.S.D.	2
FOUNTAIN VALLEY S.D.	2
ORANGE CO. HEALTH CARE AGENCY	2
GATEWAY U.S.D.	2
WEST COVINA USD	2
BONITA U.S.D.	2
SEBASTOPOL U.S.D.	2

ALVORD U.S.D.	2
MILPITAS USD	2
SANTA ROSA CITY SCHOOLS	2
CAMPBELL U.E.S.D.	2
REDLANDS U.S.D.	2
RIM OF THE WORLD U.S.D.	2
SPRECKELS U.S.D.	2
LAKEPORT U.S.D.	2
SULPHUR SPRINGS U.S.D	2
DESERT SANDS U.S.D.	2
PLEASANT VALLEY SD (CAMARILLO)	2
NORTH MONTEREY CO. U.S.D.	2
PANAMA-BUENA VISTA UNION S.D.	2
REDWOOD CITY E.S.D.	2
MOUNTAIN EMPIRE S.D.	2
LAKESIDE S.D. (LAKESIDE)	2
SANTA CLARA USD	2
AZUSA U.S.D.	2
NEWCASTLE E.S.D.	1
MOOR PARK U.S.D.	1
LEMON GROVE E.S.D.	1
AMADOR CO. USD	1
CAJON VALLEY U.S.D.	1
DIXIE E.S.D.	1
LUCIA MAR U.S.D.	1
LIBERTY UNION H.S.D.	1
MERCED UNION H.S.D.	1
DENAIR U.S.D.	1
SO. BAY U.S.D. (IMPERIAL BCH)	1
STANISLAUS UNION E.S.D.	1
OAK GROVE UNION S.D.	1
FALLBROOK UNION E.S.D.	1
COTATI ROHNERT PARK U.S.D.	1
NOVATO U.S.D.	1
YOLO CO. MENTAL HEALTH CHILD	1
MIDDLETOWN U.S.D.	1
NORTHERN HUMBOLDT U.H.S.D.	1
EUREKA UNION S.D.	1
SOUTH WHITTIER E.S.D.	1
OAK GROVE S.D.	1
ROSELAND S.D.	1
SNOWLINE JOINT U.S.D.	1
NEWARK U.S.D.	1
SANTA MARIA JOINT U.H.S.D.	1
GORMAN SCHOOL DISTRICT	1
LOS ALAMITOS U.S.D.	1
RESCUE UNION E.S.D.	1
YUBA CITY U.S.D.	1
CORONADO U.S.D.	1
EUREKA CITY S.D.	1

ENTERPRISE S.D.	1
LOWELL JT. S.D.	1
MARYSVILLE JT. U.S.D.	1
LITTLE LAKE CITY S.D.	1
WEST SONOMA CO. UNION HSD	1
HARMONY UNION S.D.	1
TULARE CO. SUPT. OF SCHOOLS	1
SANTA BARBARA CO. OFF. OF ED.	1
ATWATER E.S.D.	1
HERMOSA BEACH CITY E.S.D.	1
ORINDA UNION S.D.	1
SOUTH PASADENA U.S.D.	1
LUCERNE E.S.D.	1
PACIFIC GROVE U.S.D.	1
LOS ANGELES CO. OFFICE OF ED.	1
ONTARIO-MONTCLAIR S.D.	1
TAFT CITY S.D.	1
SAN LORENZO U.S.D.	1
WISEBURN E.S.D.	1
PERRIS E.S.D.	1
DELHI UNIFIED SCHOOL DIST	1
RAVENSWOOD CITY S.D.	1
HESPERIA U.S.D.	1
EL TEJON U.S.D.	1
LINCOLN U.S.D.	1
LA MESA-SPRING VALLEY S.D.	1
LOMPOC U.S.D.	1
VAL VERDE USD	1
LAKESIDE UNION ESD (HANFORD)	1
ST. HELENA S.D.	1
SEQUOIA U.H.S.D.	1
OXNARD UNION H.S.D.	1
MORONGO U.S.D.	1
PLACER CO. OFFICE OF ED.	1
TULARE CO./OFFICE OF EDUC	1
MAGNOLIA ELEM SCH DIST	1
SAN JACINTO U.S.D.	1
SANTA CRUZ CITY S.D.	1
ANTIOCH USD	1
ETIWANDA S.D.	1
WALNUT VALLEY U.S.D.	1
BARSTOW U.S.D.	1
SOLANO BEACH U.S.D.	1
MADERA UNIFIED SCHOOL DISTRICT	1
BUCKEYE S.D.	1
BUTTE CO DPT BEHAVIORAL HEALTH	1
COLFAX E.S.D.	1
SALIDA U.S.D.	1
TWIN HILLS UNION S. D.	1

MONTEREY PENINSULA USD	1
GLENN COUNTY MENTAL HEALTH	1
OROVILLE UNION H.S.D.	1
FRUITVALE S. D.	1
MERCED CITY ELEM S.D.	1
NEWMAN-CROWS LANDING USD	1
BALDWIN PARK U.S.D.	1
RIVERSIDE CO. OFFICE OF ED.	1
PORTERVILLE U.S.D.	1
CLOVERDALE U.S.D.	1
LEMOORE U.H.S.D.	1
OAKLEY UNION E.S.D.	1
BONSALL UNION S.D.	1
COACHELLA VALLEY U.S.D.	1
WINDSOR U.S.D.	1
GOLETA U.S.D.	1
WESTERN PLACER USD	1
KERN CO. SUPT. OF SCHOOLS	1
LA HABRA CITY S.D.	1
CASTAIC UNION S.D.	1
SARATOGA U.S.D.	1
LAGUNA BEACH U.S.D.	1
GARVEY S.D.	1
BYRON UNION S.D.	1
SANTA BARBARA S.D.	1
ALPINE CO. U.S.D.	1
CABRILLO U.S.D.	1
OAK PARK USD	1
PLEASANT VALLEY ESD(PENN VLY)	1
REED UNION S.D.	1
LOS BANOS USD	1