

Date: August 31, 2020

Subject: Official Message from the State Director of Special Education

Opportunity for Mediation of California Department of Education Complaints

The purpose of this document is to introduce you to the new option for requesting and offering mediation of California Department of Education (CDE) special education complaints. *Code of Federal Regulations*, Title 34 (34 *CFR*), Section 300.152 requires the CDE provide the opportunity for a parent who has filed a complaint and the local educational agency (LEA) to voluntarily engage in mediation. The CDE is making that opportunity available through a contract with the Office of Administrative Hearings (OAH).

If the parent and LEA agree to participate in this voluntary process, the CDE will arrange for both parties to hold confidential discussions with a qualified and impartial individual with the goal to resolve disputes alleged in a complaint filed with the CDE. If the parties reach agreement on a resolution, the parties will enter into a legally binding agreement that documents the resolution.

How does an individual request mediation of a special education complaint submitted to the CDE?

A request for mediation form will soon be accessible on the CDE, SED Complaint Process web page at <https://www.cde.ca.gov/sp/se/qa/cmpltproc.asp>. In the meantime, you may contact the Complaint Resolution Unit.

It is important to note that both parties (parent and LEA) must agree to mediation. In addition, the parent and LEA may agree in writing to extend the complaint timeline so they can participate in mediation. A request for mediation must be sent to the CDE via US mail, fax at 916-327-8878, or email at speceducation@cde.ca.gov.

What happens when the CDE receives a request for mediation of a complaint?

Upon receiving the request for mediation and confirming that both parties agree to participate in mediation, the CDE will forward the request to the OAH which will communicate directly with both parties to schedule the mediation meeting.

If you have any questions related to requesting mediation for a complaint filed, please contact either the investigator assigned to your case, provided the case is opened, or the Complaint Support Unit, at 1-800-926-0648, by fax at 916-327-8878, or by email at speceducation@cde.ca.gov and request a form.

