

Date of Hearing: March 18, 2026

ASSEMBLY COMMITTEE ON EDUCATION
Darshana R. Patel, Chair
AB 1861 (Lackey) – As Introduced February 11, 2026

[Note: This bill was double referred to the Assembly Committee on Privacy and will be heard by that Committee with respect to issues under its jurisdiction.]

SUBJECT: Special education: complaint database

SUMMARY: Requires the California Department of Education (CDE), on or before January 1, 2028, to create and maintain an online database of state complaints it has received alleging violations of the federal Individuals with Disabilities Education Act (IDEA). Specifically, **this bill:**

- 1) Requires the CDE, on or before January 1, 2028, to create and maintain an online database of state complaints it has received which allege violations of the IDEA or its implementing regulations.
- 2) Requires that the database include both of the following:
 - a) All complaints received by the CDE beginning with an unspecified school year; and
 - b) Within 30 days of the CDE issuing its decision, the full record of the hearing and the findings of fact and decisions.
- 3) Requires that, before entering any documents into the database, the CDE redact any personally identifiable information consistent with the confidentiality requirements of specified federal law.

EXISTING LAW:

Federal law:

- 1) The IDEA requires that a free appropriate public education (FAPE) be made available to individuals with exceptional needs. (20 U.S.C. 1400 et seq)
- 2) Requires that every individual with exceptional needs who is eligible to receive special education instruction and related services receive that instruction and those services at no cost to his or her parents or, as appropriate, to him or her. (20 U.S.C. 1400 et seq)
- 3) Establishes procedural safeguards, including those pertaining to the opportunity to present and resolve complaints through the due process and state complaint procedures, including:
 - a) The time period in which to file a complaint;
 - b) The opportunity for the agency to resolve the complaint;
 - c) The differences between the due process complaint and state complaint procedures;

- d) The availability of mediation;
 - e) The child's placement during the pendency of any due process complaint;
 - f) Hearings on due process complaints;
 - g) State-level appeals;
 - h) Civil actions, including the time period in which to file those actions; and
 - i) Attorneys' fees. (20 U.S.C. 1415)
- 4) Authorizes a parent or a local educational agency (LEA) to file a due process complaint relating to the identification, evaluation or educational placement of a child with a disability, or the provision of FAPE. (20 U.S.C. 1415)
 - 5) Requires that 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. (20 U.S.C. 1415)
 - 6) Authorizes the filing of complaints to the state education agency (SEA) for an alleged violation that occurred not more than one year prior, and requires the SEA to investigate and issue a written decision within 60 days. (20 U.S.C. 1415)

State law:

- 1) Requires that a complaint alleging violations of the IDEA be investigated in an expeditious and effective manner in accordance with applicable federal law. (Education Code (EC) 56500.2)
- 2) Requires that a written decision be issued to the complainant in accordance with the 60-day time limit. (EC 56500.2)
- 3) Requires the party filing the complaint to forward a copy of the complaint to the LEA or public agency serving the child at the same time the party files the complaint with the CDE. (EC 56500.2)
- 4) Requires the complainant to include all of the following in the complaint:
 - a) A statement that a local educational agency or public agency has violated a requirement of specified law;
 - b) The facts on which the statement is based;
 - c) The signature and contact information for the complainant;
 - d) If alleging violations with respect to a specific child, all of the following:
 - i. The name and address of residence of the child;

- ii. The name of the school the child is attending; and
 - iii. A description of the nature of the problem of the child, including facts relating to the problems.
- e) A proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed. (EC 56500.2)
- 5) Requires the Superintendent of Public Instruction (SPI) to develop a model form to assist parents and public agencies in filing a state complaint under this section. (EC 56500.2)

FISCAL EFFECT: Unknown

COMMENTS:

Need for the bill. The author states, “AB 1861 is a critical step toward greater transparency and accountability in special education. By providing families with clearer access to information about complaints and due process decisions, the bill empowers parents to fully understand their rights and advocate effectively for their children. Expanding access to these complaints is vital, not only to help families navigate the system, but it also highlights systemic trends and gaps, enabling educators and policymakers to make informed decisions that improve outcomes for all students with disabilities.”

Special education dispute resolution. The IDEA requires states to make the following dispute resolution options available to parents and schools: mediation, written state complaints, and due process complaints.

When parents and schools disagree on matters such as student eligibility for services or the services to be included in a student’s Individualized Education Program (IE), parents have the right under the law to resolve their disagreements with the district using a system known as “due process.” This system provides parents and schools with a progressive series of options for resolving their complaints. At the least formal end of the spectrum, parents and districts settle their disagreements using a resolution session, which typically involves only parents and the district and may result in the production of a settlement that does not become binding until three days post-session.

If parents do not feel that their complaints can be resolved with a resolution session, or that session does not resolve the dispute, they may request mediation, mediation and a hearing, or a hearing without mediation. In mediations, a mediator from the Office of Administrative Hearings (OAH) will try to help both parties reach a binding agreement. If parents and districts cannot reach an agreement via mediation, or if the filing party does not wish to go to mediation, the case will go to a hearing. In this case, an OAH judge specializing in special education law decides the outcome of the case. The most commonly requested is mediation and a hearing, while “hearing only” is the least common type of due process request.

Parents also have the option of filing a state complaint with the CDE. A written signed complaint is a formal request to the CDE to investigate allegations that a public agency has violated special education law. The complainant must also forward a copy of the complaint request to the school district or public agency serving the student at the same time the complaint

is filed with the CDE. The CDE has 60 days to issue its decision. Complaints must allege a violation that occurred not more than one year prior to the date that the complaint is received.

In addition to these options, parents and schools may engage in less formal means of resolving conflict, through a set of practices known as Alternative Dispute Resolution (ADR). According to the CDE, the ADR process is intended to maintain positive relationships between families and LEA staff by working collaboratively toward solutions. ADR is a voluntary method of resolving disputes and may not be used to delay the right to a due process hearing. Examples of ADR include facilitated IEP meetings, parent-to-parent assistance, ombudspersons, collaborative negotiation, and informal local mediation.

The table below shows the different formal processes for special education complaints:

Comparison of Processes Available for Resolving Disagreements Related to Special Education

Questions for Each Process	CDE Complaint	Mediation of CDE Complaint	OAH Due Process	OAH Mediation Only
Who can initiate the process?	Any individual or organization	CDE is required to offer mediation to the parent or the LEA but both must agree, and participation is voluntary	Parent or LEA	Parent or LEA — Participation is voluntary
What is the time limit for filing?	One year from the date of the alleged violation	None specified	The parent or LEA must request a due process hearing through the filing of a due process complaint which must allege a violation that occurred not more than two (2) years before the date the parent or the LEA knew or should have known about the alleged action that forms the basis of the due process complaint.	None specified
What issues can be resolved?	Alleged violations of federal and state special education laws	Any matter identified in a CDE complaint	Any matter relating to the identification, evaluation or educational placement or provision of a free appropriate public education	Any matter related to special education law
What is the timeline for resolving	60 days from receipt of the complaint unless an extension is agreed to by the parties or if exceptional	Because mediation is voluntary, the parties have the flexibility to	45 days from the end of the resolution period unless specific extensions to the timelines are granted. Once an LEA is in receipt of the	In a timely manner

the issues?	circumstances exist with respect to a particular complaint IDEA does not contain a specific timeframe in which mediation must occur.	identify a mutually agreeable time to meet.	parent's due process complaint, the LEA must convene a resolution meeting within 15 days, unless the parties agree in writing to waive the meeting or agree to use mediation. The resolution period is 30 days from receipt of the parent's due process complaint unless the parties agree otherwise or the parent or LEA fails to participate in the resolution meeting or the LEA fails to convene the resolution meeting within 15 days of receipt of the parent's due process complaint.	
Who resolves the issues?	CDE	Parent and LEA with the help of a professional mediator arranged through CDE	OAH Hearing Officer	Parent and LEA with the help of a professional mediator through OAH

Source: Seeds of Partnership

Number of state complaints. According to the CDE, the following number of state complaints were filed in recent years:

School Year	Complaints Received
2023–24	1,635
2024–25	1,753
2025–26 (as of 3/2/26)	1,744

Federal law requires posting of due process findings and decisions. As noted above, federal law requires that findings and decisions be made available to the general public, after deleting any personally identifiable information. The OAH website hosts 1,895 documents dating between 2008 and 2026. This is a significantly smaller number per year than the number of state complaints investigated each year.

“There are no winners in the current system.” Statewide Special Education Task Force report calls for reform of dispute resolution system. Calling an examination of the special education dispute resolution system “imperative,” the 2015 *One System* report by the Statewide Task Force on Special Education noted, “the current due process system is in need of revision in order to assist in resolving disputes in a more timely, efficient and cost effective manner.” The report noted that the process often results in costly attorney fees for both families and schools, may negatively impact educational benefit for the child, and can cause excessive stress and anxiety for all participants. The *One System* report cites a 2013 report by the American Association of School Administrators (AASA), *Rethinking Special Education Due Process*, which found:

- District compliance with IDEA is radically different today than when IDEA was created over three decades ago. Major changes to federal accountability and compliance monitoring system for students with disabilities...have opened the door to potential alternatives to due process hearings that would benefit all parties.
- The cost and complexity of a due process hearing hinder low and middle income parents from exercising the procedural protection provisions to which they are entitled.
- Numerous studies document the dissatisfaction felt by parents and schools with the due process system. A study on the fairness of hearings found that both parents and school officials had negative experiences with hearings, regardless of who prevailed.
- Most publications point to the need for alternative ways to deal with special education disputes that could assist in resolving disputes in a more timely, efficient, and cost effective manner and that does not perpetuate adversarial relationships.

The AASA report notes that the process is emotionally taxing to all parties and can lead to qualified staff leaving the education profession. The report also notes that the process can drain resources better used serving students' needs. The report concludes: "there are no winners in the current due process system as it often results in an impairment of the trust between the parents and school agencies and often incurs many years of contentiousness while the student remains in the K-12 system."

Prior to COVID, California already had far more disputes related to special education than most other states. According to the federally-funded Consortium for Appropriate Dispute Resolution in Special Education (CADRE), for 2018-19:

- Mediation requests in California represented nearly half of all requests in the country.
- California's rate of mediation requests was 4 times higher than the national average.
- California's rate of due process complaints was 40% greater than the national average.
- California's rate of state complaints was 30% higher than the national average.
- California had the fifth highest rate of overall special education disputes among the states, at a rate roughly double the national average.

Research on effectiveness of alternative dispute resolution. According to CADRE, well-designed, skillfully implemented and collaborative approaches, such as IEP facilitation and mediation, can mitigate the use of more adversarial dispute resolution processes. Early dispute resolution options are generally more cost effective and more expedient than other processes and may foster collaborative educator-family relationships. Research has found that ADR:

- Is viewed favorably by both parents and administrators (Forbis, 1994).

- Maintains positive working relationships between parents and schools (Scanlon, 2018).
- Results in greater parent satisfaction (Kerbeshian, 1994), lower parent emotional costs (Turnbull, 1987), and higher parent confidence to ensure that their child is well served. (Scanlon, 2018).

CADRE Continuum of Dispute Resolution Processes & Practices												
Stages of Conflict	Stage I			Stage II		Stage III			Stage IV		Stage V	
Levels of Intervention	Prevention			Disagreement		Conflict			Procedural Safeguards		Legal Review	
Assistance/ Intervention Options	Family Engagement	Participants & Stakeholder Training	Stakeholder Council	Collaborative Rule Making	Parent to Parent Assistance	Case Manager	Telephone Intermediary	Facilitation	Mediation Models	Ombudsperson	Third Party Opinion/Consultation	Resolution Meeting
Dimensions that help clarify placement of the options along the Continuum	Third-Party Assistance								Third-Party Intervention			
	Decision Making by Parties								Decision Making by Third-Party			
	Interest-Based								Rights-Based			
	Informal & Flexible								Formal & Fixed			

- Is less costly, less legalistic, fosters more cooperation, and results in greater parent satisfaction (Lake, 1991; Daggett, 2004).

Arguments in support. The Equal Justice Society writes, “AB 1861 strengthens transparency and accountability in special education rights enforcement by requiring the California Department of Education to create and maintain a centralized publicly accessible online database of decisions and investigation reports. By modernizing access to this data, the bill promotes transparency, consistency, and informed policymaking, while maintaining student privacy protection.

AB 1861 requires the California Department of Education (“CDE”) on January 1, 2028, to create and maintain an online database of special education decisions and investigative reports issued by the department, with personally identifiable information redacted. While a database currently exists for special education due process decisions issued by the Office of Administrative Hearings, there is no centralized or searchable system to access decisions and investigation reports issued by the CDE related to procedural special education violations. This bill proposes a low-cost solution to close this gap, increase transparency and accountability, and ultimately provide the public with a fuller picture of our education system.”

Arguments in opposition. The Alameda County Office of Education (ACOE) writes, “ACOE supports the responsible use of data to improve student outcomes, and we understand the need for transparency with regard to services for students with disabilities. However, we are concerned about this bill’s approach for several reasons:

- The potential for misunderstanding and misuse of the information;
- The need for solution-oriented approaches to addressing gaps in services; and
- The equity concerns about inadvertently focusing on the school districts with the fewest resources to address the gaps.

Complaint records are highly contextualized educational issues and may include unfounded allegations. Publicizing complaint records with significant redactions or that are unfounded could lead to misinterpretation and misuse of the database information by the public, media, attorneys, or advocacy groups.

The bill presumes that districts are bad actors on this issue, when in fact most of the challenges school districts are facing with regard to providing special education services stem from the large number of vacancies in these roles. We also believe this bill raises equity concerns with regard to the uneven ability of schools to fill special education vacancies

Highlighting the challenges our least-resourced districts face through a complaint database only intensifies inequities and leaves these more vulnerable districts open to higher scrutiny and greater liability—with additional costs to the district and therefore fewer resources for their students.”

Recommended Committee amendments. Staff recommends that this bill be amended to:

- Permit the CDE to contract for the development of the database.
- Require that the database be completed by January 1, 2030 instead of January 1, 2028.
- Require that the investigation report posted include the summary of allegations, applicable citations, findings of fact, conclusions, and required corrective actions (with the intent of requiring the posting of what is currently prepared and not requiring any new documents to be produced).
- Limit the entries to those complaints for which there is an investigation report, instead of all complaints received.
- Make the requirement to enter complaints effective commencing with the year in which the database is operational.
- Require that parents “opt in” to having their report entered into the database before the report is posted.
- Require the CDE to issue a notice to LEAs and charter schools regarding the requirements of the measure.

Related legislation. AB 2121 (Eduardo Garcia) of the 2021-22 Session would have established, subject to an appropriation, a special education resource lead project to provide training and technical assistance on family support and ADR in special education. This bill was held on the Assembly Floor.

AB 967 (Frazier) of the 2021-22 Session would have established the COVID-19 Special Education Fund, for purposes of providing matching funds, on a one-to-one basis, to support LEAs in conducting activities to prevent and intervene early in conflicts, conduct voluntary alternative dispute resolution, and provide services to pupils with disabilities relating to impacts to learning associated with COVID-19 school disruptions. This bill was held in the Senate Education Committee.

AB 126 (E. Garcia) of this Session requires the establishment of additional Family Empowerment Centers (FEC), establishes increased funding levels awarded to each center, establishes new requirements for data collection and reporting to the CDE, and states intent to provide \$20 million in one-time funding to FECs and other organizations to support families of students with disabilities, whose education has been impacted by the COVID-19 pandemic.

AB 2056 (Eduardo Garcia) of the 2019-20 Session would have required the establishment of additional FECs, increased funding levels awarded to each center, and established new requirements for data collection and reporting to the CDE. This bill was held in this Committee.

AB 236 (Eduardo Garcia) of the 2019-20 Session would have required the establishment of additional FECs, established increased funding levels awarded to each center, and established new requirements for data collection and reporting to the CDE. This bill was held in the Senate Appropriations Committee.

AB 2704 (O'Donnell) of the 2017-18 Session would have required the establishment of additional FECs, established increased funding levels awarded to each center, and established new requirements for data collection and reporting to the CDE. This bill was held in the Senate Appropriations Committee.

SB 695 (Portantino) of the 2019-20 Session would have required LEAs to communicate in the native language of a parent during the planning process for an IEP, and provide a parent with a copy of the completed IEP and other related documents in the native language of the parent within 30 days of the IEP team meeting. This bill was vetoed by the Governor, who stated:

Current law already requires that non-English speaking parents and guardians understand their child's IEP, and LEAs must take any action needed to ensure that pupil's non-English speaking parent understands the IEP process and LEAs must also provide any materials used to assess or place a student with exceptional needs in the parent's native language.

By establishing more prescriptive requirements, particularly specifying a 30-day timeline within which those documents must be translated, the bill would exceed the requirements of federal law (the Individuals with Disabilities Act), thereby creating a costly reimbursable state mandate that will reduce funding available to support broader educational programs for these students. If a California school district's practices of providing translation services are inadequate, avenues already exist to remedy these problems.

SB 884 (Beall), Chapter 835, Statutes of 2016, requires the CDE to include in its sample procedural safeguards, maintained on its website, a link to the CDE webpage that lists FECs.

SB 511 (Alpert), Chapter 690, Statutes of 2001, required the CDE to establish FECs in each of 32 Early Start regions in the state, allocated a base grant of \$150,000 to each FEC, established an allocation mechanism based on the school enrollment of the region served, and required FECs to collect specified types of data.

REGISTERED SUPPORT / OPPOSITION:

Support

Black Parallel School Board
California Alliance of Child and Family Services
California Youth Defender Center
Children's Defense Fund-California
Disability Rights California
East Bay Community Law Center
Equal Justice Society
Fresno County Public Defender's Office
Youth Justice Education Clinic, Center for Juvenile Law and Policy, Loyola Law School
1 individual

Opposition

Alameda County Office of Education

Analysis Prepared by: Tanya Lieberman / ED. / (916) 319-2087